

# NOVEMBER 1984 SIKH GENOCIDE JUSTICE CAMPAIGN

GENOCIDE IS THE DELIBERATE AND SYSTEMATIC DESTRUCTION OF AN ETHNIC, RACIAL, RELIGIOUS OR NATIONAL GROUP.

ARTICLE 2- 1948 UNITED NATIONS CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE



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# **KNOW THE FACTS**

## **NOVEMBER 1984 SIKH GENOCIDE**

**OCTOBER 31, 1984 - NOVEMBER 4, 1984**

➤ **SYSTEMATIC AND ORGANIZED KILLINGS OF SIKHS IN EIGHTEEN STATES AND MORE THAN HUNDRED CITIES ACROSS INDIA**

- More than 30,000 Sikhs killed throughout India (most burnt alive)
- Hundreds of Sikh women gang raped throughout India by goons, police officers and civil administrators and told that next generation (after rape) will be loyal to Government of India
- More than 300, 000 Sikhs displaced and rendered homeless
- Hundreds of Gurudwaras and Guru Granth Sahibs (treated as living Guru by Sikhs) burnt and desecrated in a systematic and planned way across India
- Around 300 Sikh soldiers done to death in Uniform by fellow soldiers
- 120 Sikhs working at the Bokaro Steel Plant Jharkhand thrown alive into burning furnaces
- Children as old as 13 days of age roasted alive on gas stoves in Kanpur and other cities in India
- In Agartala, Tripura 40 Sikh families who took refuge in a police station to save their lives were burnt alive in the police station
- In Jabalpur, Madhya Pradesh 12 Sikhs were hanged from the ceiling at the railway platform
- Small Children killed ruthlessly by pulling their legs apart while their mothers being raped
- In Haryana and Madhya Pradesh Sikh women taken into hostage and raped during November 1984, still held in captivity by the goons
- Sikh women taken from refugee camps and raped even after November 6, 1984
- Sikhs on public roads burnt alive, dragged out from trains and lynched on the railway platforms and set on fire
- Property of Sikhs worth millions looted and destroyed

➤ **THE MASSACRE TOOK PLACE IN THE FOLLOWING STATES RULED OR DOMINATED BY CONGRESS PARTY**

- |                      |                   |                    |
|----------------------|-------------------|--------------------|
| 1. DELHI             | 7. UTTARAKHAND    | 13. TRIPURA        |
| 2. JAMMU AND KASHMIR | 8. MADHYA PRADESH | 14. MAHARASTRA     |
| 3. HIMACHAL PRADESH  | 9. JHARKHAND      | 15. TAMIL NADU     |
| 4. HARYANA           | 10. WEST BENGAL   | 16. GUJARAT        |
| 5. UTTAR PRADESH     | 11. CHATTISGARH   | 17. ANDHRA PRADESH |
| 6. BIHAR             | 12. ORISSA        | 18. KERALA         |

# **KNOW THE FACTS**

- MASSACRE OF SIKHS PLANNED IN A MEETING ORGANISED AT 24 AKBAR ROAD, NEW DELHI ON OCTOBER 31, 1984 ATTENDED BY MEMBERS OF PARLIAMENT AND SENIOR MEMBERS OF THE CONGRESS PARTY INCLUDING JAGDISH TYTLER, SAJJAN KUMAR, H.K.L BHAGAT, KAMAL NATH, DHARAM DAS SHASTRI, LALIT MAKEN, ARJUN DAS AMONGST OTHERS
- STATE MEDIA SHOWED INFLAMMATORY SPEECHES AND SCENES. POPULAR MOVIE STARS LIKE AMITABH BACHAN SHOWN ON STATE TELEVISION RAISING SLOGANS LIKE “KHOON KA BADLA KHOON” (BLOOD FOR BLOOD)” AND “KHOON KI CHINTEY SIKHON KE GHAR TAK PAHUNCHNI CHAHIYE” (SPLASHES OF BLOOD SHOULD REACH THE DOORSTEPS OF SIKHS)
- POLICE COMMONDOS FROM POLICE HEADQUARTERS MADHUBAN, HARYANA ON THE ORDERS OF BHAJAN LAL THE THEN CHIEF MINISTER OF HARYANA SEND TO COMMIT THE MASSACRE OF SIKHS
- EXPERT ARSONISTS AND PROFESSIONAL GOONS BROUGHT FROM OUTSIDE AND TRANSPORTED TO DIFFERENT AREAS IN GOVERNMENT BUSES. SUPPLIED WITH INFLAMMABLE MATERIALS TO BURN SIKHS, SIKH HOUSES, BUSINESSES AND SIKH TEMPLES.
- POLICE EITHER ACTIVELY PARTICIPATED IN COMMITTING THE MASSACRE OF SIKHS OR STOOD AS SILENT SPECTATORS WHILE SIKHS BURNT ALIVE. POLICE EVEN SUPPLIED DIESEL FROM POLICE JEEPS TO THE ARSONISTS. POLICE DISARMED THE SIKHS BEFORE MOBS ATTACKED THEM.
- NO CURFEW IMPOSED OR ARMY CALLED WHILE MOST OF THE KILLINGS TOOK PLACE. WHEN ARMY CALLED, DELIBERATELY DESIGNED TO BE INEFFECTIVE.
- AFTER 25 YEARS THE ORGANIZERS AND PERPETRATORS OF THE GENOCIDE ROAM FREE AND EVEN ENJOY POSITIONS OF POWER. NONE PUNISHED FOR KILLINGS OF THE SIKHS.
- TEN COMMISSIONS HAVE FAILED TO BRING JUSTICE. AFFIDAVITS FILED BEFORE COMMISSIONS FOUND LYING AT THE RESIDENCES OF THOSE ACCUSED OF ORGANIZING AND COMMITTING THE MASSACRE

**NOT RIOTS BUT GENOCIDE**

# **LIST OF EYE WASH COMMISSIONS**

1. **MARWAH COMMISSION**  
(November 1984 – towards middle of 1985)
2. **MISRA COMMISSION**  
(May 1985 – August 1986. Report made public in Feb 1987)
3. **DHILLON COMMITTEE**  
(1985- End of 1985)
4. **KAPUR MITTAL COMMITTEE**  
(February, 23rd 1987 - February 1990)
5. **JAIN BANERJEE COMMITTEE**  
(February 1987 - March, 1987)
6. **AHOOJA COMMITTEE**  
(February 1987- August 1987)
7. **POTTI ROSHA COMMITTEE**  
(March, 1990 – September 1990)
8. **JAIN AGGARWAL COMMITTEE**  
(December 1990 - August 1993)
9. **NARULA COMMITTEE**  
(December 1993 – January 1994)
10. **NANAVATI COMMISSION**  
(2000- February 2005)

**MOCKERY OF JUSTICE**

## COMMISSIONS:

Name	MARWAH COMMISSION	MISRA COMMISSION
Time period	November 1984 – towards middle of 1985	May 1985 – August 1986. Report made public in February 1987
Head	Ved Marwah, Additional Commissioner of Police.	Rangnath Misra, sitting judge of the Supreme Court of India
Result	When Mr. Marwah almost completed the inquiry, complete records of the Commission were taken over by the government and were later transferred to the Misra Commission.	Justice Misra stated that it was not part of his terms of reference to identify any person and recommended the formation of three committees –  1. Jain Banerjee Committee - to pursue cases that have either not been registered or not properly investigated.  2. Kapur-Mittal Committee - identify delinquent police officials.  3. Ahooja Committee - to arrive at the official death toll of the “November 1984 Sikh Genocide”
Main point	The handwritten notes of Mr. Marwah, which contained important information, were not transferred to the Misra Commission.	The commission and its report has been heavily criticized as biased and a miscarriage of justice.

Name	DHILLON COMMITTEE	KAPUR MITTAL COMMITTEE
Time period	1985- End of 1985.	February, 23rd 1987 - February 1990
Head	Mr Gurdial Singh Dhillon	Justice Dalip Kapur and Mrs Kusum Mittal, retired Secretary of Uttar Pradesh.
Main job	To recommend measures for the rehabilitation of the victims	To inquire into the role of the police, which the Marwah Commission had almost completed in 1985
Result	This committee recommended that since all insurance companies were nationalized, they be directed to pay the claims of every business establishment destroyed in “November 1984 Sikh Genocide” under the direction of government.	The committee recommended forthwith dismissal of 30 police officers out of 72.
Main point	Government did not accept this recommendation and as a result insurance claims were rejected by all insurance companies throughout the country.	Till date, not a single police officer has been awarded any kind of punishment.

<b>Name</b>	<b>JAIN BANERJEE COMMITTEE</b>	<b>AHOOJA COMMITTEE</b>
<b>Time period</b>	February 1987 - March, 1987	February 1987- August 1987
<b>Head</b>	Justice M.L. Jain, former Judge of the Delhi High Court and Mr A.K. Banerjee, retired Inspector General of Police.	
<b>Main job</b>	To pursue cases that has either not been registered or not properly investigated.	To arrive at the official death toll of the "November 1984 Sikh Genocide"
<b>Result</b>	<p>This committee recommended registration of cases against Congress Leader Sajjan Kumar.</p> <p>Brahmanand Gupta (co-accused along with Sajjan Kumar), filed a writ petition in the Delhi High Court and obtained a stay against this committee. The writ petition was decided in August 1989 and the high court quashed the appointment of this committee.</p>	This committee gave a figure of 2,733 as the number of Sikhs killed in Delhi alone.
<b>Main point</b>	<p>No case registered.</p> <p>An appeal was filed by the "Citizens Justice Committee" to vacate the stay in the Supreme Court of India</p>	

<b>Name</b>	<b>POTTI ROSHA COMMITTEE</b>	<b>JAIN AGGARWAL COMMITTEE</b>
<b>Time period</b>	March, 1990 – September 1990	December 1990 - August 1993
<b>Head</b>	Appointed by V.P. Singh government, as a successor to the Jain Banerjee Committee.	Justice J.D. Jain, retired Judge of the Delhi High Court and Mr D.K. Aggarwal, retired DGP of Uttar Pradesh
<b>Result</b>	Issued recommendations for filing cases against Sajjan Kumar based on affidavits of victims of the massacre	This committee recommended registration of cases against H.K.L. Bhagat, Sajjan Kumar, Dharamdas Shastri and Jagdish Tytler.
<b>Main point</b>	When committee's term expired in September 1990, Potti and Rosha decided to disband their inquiry.	The cases recommended by this committee were not even registered by the police.

<b>Name</b>	<b>NARULA COMMITTEE</b>	<b>NANAVATI COMMISSION</b>
<b>Time period</b>	December 1993 – January 1994	2000- February 2005
<b>Head</b>	Appointed by the Madan Lal Khurana government in Delhi- Taken up by Central Government- Passed to Lt. Governor, Delhi.	Justice G.T. Nanavati, retired Judge of the Supreme Court of India.
<b>Result</b>	Committee recommended the registration of cases against H.K.L. Bhagat, Sajjan Kumar and Jagdish Tytler.	The Commission claimed evidence against congressmen Jagdish Tytler, Sajjan Kumar and H.K.L. Bhagat for leading the mob to massacre. The Commission also held the then police commissioner S.C. Tandon directly responsible for the “November 1984 Sikh Genocide”.
<b>Main point</b>	Ultimately, despite the delay by the Central government, the CBI was able to file the charge sheet in December 1994	There was widespread protest against the report as it did not mention clearly the role of Tytler and other Congressmen in the massacre.



# NANAVATI COMMISSION

- HEADED BY RETD. SUPREME COURT OF INDIA JUSTICE G.T. NANAVATI
- ESTABLISHED BY THE INDIAN GOVERNMENT
- YEAR OF ESTABLISHMENT: 2000
- YEAR OF SUBMISSION: 2005
- NO. OF PAGES: 185

## **OBSERVATIONS BY NANAVATI COMMISSION:**

*The systematic manner in which the Sikhs were thus killed indicate that the attacks on them were organized*

*There is evidence on record to show that on 31/10/1984, either meeting were held or the persons who could organize attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops. The attacks were made in systematic manner and without much fear of the police; almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter*

*On October 31, 1984, meetings were organized and persons who could organize attacks were contacted*

*From the morning of November 1, 1984, professional criminals and outsiders were transported into local localities to commit the killings of Sikhs*

*Men armed with weapons and inflammable materials like kerosene, petrol and some white powder were taken to localities where Sikhs were to be attacked. In some cases these men were supplied with such materials after they arrived at the locations*

*The attacks on the Sikhs started after the Sikhs were unarmed and persuaded to go into their houses*

*The attacks had a similar pattern. Male members were taken out of their houses, beaten and thereafter burnt alive. Either tyres were put around their necks and then they were set on fire by pouring kerosene or petrol over them or white inflammable powder was thrown on them which immediately caught fire*

*Looters were encouraged by the police. Sikhs were killed by police fire arms provided to the murderous mobs by the police themselves*

*The police at other places watched as silent spectators while Sikhs were burnt alive in their very presence*

*Police officers were heard inquiring from the mobs how many murgas (chicken-in reference to Sikhs) were killed*

*Sikhs who went to police station to report attacks were told whatever was happening is the right thing to happen and they should wait and the flame would be put on them as well*

# PROMINENT POLITICIANS INVOLVED

## 1. JAGDISH TYTLER

Former Union Minister and senior member of Indian National Congress party



## 2. SAJJAN KUMAR

Former chairman of Delhi Rural Development Board and senior member of Indian National Congress party



## 3. HKL BHAGAT

Former Minister of state (Information and Broadcasting) and senior member of Indian National Congress party



## 4. DHARAM DAS SHASTRI

Senior member of Indian National Congress party



## 5. KAMAL NATH

Senior member of Indian National Congress party; currently: Union Minister of Road, Transport & Highways, India



## 6. VASANT SATHE

Former Central Minister and senior member of Indian National Congress party

## 7. LALIT MAKAN

Congress Councilor



## 8. ARJUN DAS

**9. BABU RAM SHARMA**

Member, Municipal Corporation

**10. MEHENDRA,**

Metropolitan Councillor

**11. MANGAT RAM SINGAL**

Member Of Municipal Corporation

**12. DR. ASHOK KUMAR**

Member Of Municipal Corporation, Kalyanpuri

**13. SUKHAN LAL SOOD**

Metropolitan Councillor

**14. JAGDISH CHANDER TOKAS**

Member Of Municipal Corporation Munirka

**15. ISHWAR SINGH**

Member, Municipal Corporation, Mangolpuri

**16. BALWANT KHOKHAR**

Youth Congress Leader, Delhi

**17. FAIZ MOHAMMAD**

Youth Congress Leader, Delhi

**18. RATAN**

Youth Congress Leader

**19. SATBIR SINGH**

Youth Congress Leader

# POLICEMEN INVOLVED

## NAME AND RANK

## POSTED IN 1984/DELHI

1.	ACP MAHABIR SINGH	NORTH ADDL DCP/SECURITY
2.	ACP ROOP CHAND	NORTH
3.	ACP RAGHUBIR SINGH MALIK	NORTH
4.	ACP BHASKAR	EAST
5.	ACP R.S DAHIYA	WEST
6.	ACP O.P. YADAV	SOUTH
7.	ACP DURGA PRASAD	NORTH
8.	SHRI H.C. JATAV	EAST
9.	SHRI SEWA DASS	EAST
10.	SHRI CHANDER PRAKASH	EAST
11.	SHRI UK KATNA	WEST
12.	SHRI AJAY CHADHA	SOUTH
13.	SHRI R.C. KOHLI	RAILWAY
14.	ACP RAGHUNATH SINGH	NORTH
15.	ACP RD MALHOTRA	EAST
16.	ACP PURSHOTTAM DAS	EAST
17.	ACP SHOEDEEN SINGH	WEST
18.	ACP JAI PAL SINGH	SOUTH
19.	ACP JAGDISH C SHARMA	WEST

## INSPECTORS

20.	INSP. SHOORVIR SINGH TYAGI	EAST
21.	INSP. HARI RAM BHATTI	WEST
22.	INSP. JAI SINGH	EAST
23.	INSP. RAM CHANDER	WEST
24.	INSP. RAM PAL SINGH	WEST
25.	INSP. RAM MEHAR	EAST
26.	INSP TP SHARMA	CR. & RLY
27.	INSP. SADHU SINGH	CR. & RLY
28.	INSP. JAI BHAGWAN MALIK	NORTH
29.	INSP. RC THAKUR	EAST
30.	INSP. HAWA SINGH	WEST
31.	INSP. BHIM SINGH	EAST
32.	INSP. R.P. SINGH	EAST
33.	INSP. ROHTASH SINGH	SOUTH

## SUB INSPECTORS

34.	SI SRI CHAND	EAST
35.	SI MANPHOOL SINGH	EAST
36.	SI SOM PRAKASH	EAST
37.	SI BABU LAL	WEST
38.	SI RAM CHANDRA	WEST
39.	SI SHAKTI SINGH	SOUTH
40.	SI ISHWAR SINGH	SOUTH
41.	SI SAT PRAKASH	NORTH

42.	SI SURINDER DEV	EAST
43.	SI TULSI DAS	EAST
44.	SI MANI RAM	EAST
45.	SI JAGDISH PRASAD	EAST
46.	SI LAXMI CHAND	SOUTH
47.	SI BHAWAR SINGH	SOUTH
48.	SI IQBAL SINGH	NORTH
49.	SI SATPAL KAPOOR	EAST
50.	SI RAM SINGH	NORTH
51.	SI CL JATAV	EAST
52.	SI OM PRAKASH	CENTRAL
53.	SI VP RANA	SOUTH
54.	SI GANESH TIWARI	SOUTH
55.	SI JAI BHAGWAN	NORTH
56.	SI SADHU RAM	EAST

#### **ASST. SUB INSPECTOR**

57.	ASI AMAR NATH	NORTH
58.	ASI MANGE RAM	NORTH
59.	ASI RAJA RAM	NORTH
60.	ASI ATTAR SINGH	WEST
61.	ASI RAMESHWAR NATH	CENTRAL

#### **HEAD CONSTABLE**

62.	HC JAI CHAND M6/W	WEST
63.	HC RAJBIR SINGH M26/E	EAST
64.	HC HARGOPAL SINGH 117/E	EAST
65.	HC GAUTAM SHIPKAR 136/E	EAST

#### **CONSTABLE**

66.	CT. MUNSHI RAMMIL M126/E	EAST
67.	CT. KHAZAN SINGH M340/W	WEST
68.	CT. MOHINDRA SINGH 977/C	CENTRAL
69.	CT. ISHWAR SINGH NO. 984/E	EAST
70.	CT. JEERAJ SINGH NO. 826/E	EAST
71.	CT. RAJKUMAR NO. 693/E	EAST
72.	CT. GAJRAJ SINGH 429/E	EAST

# STATISTICS OBTAINED THROUGH RIGHT TO INFORMATION ACT

## INFORMATION SOUGHT UNDER RTI ACT, 2005 IN RESPECT OF SIKHS KILLED DURING NOVEMBER 1984 SIKH MASSACRE

No.U 14011/1/2007-Delhi I (NC)  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi  
Dated 8<sup>th</sup> February, 2008

To



Sub: Information sought under RTI Act, 2005 in respect of Sikhs  
killed during the 1984 riots.

Sir,

I am to refer to your letter dated 21.1.08 on the above noted  
subject and to say as follows:

(1) and (2) of the application Since law and order is a State subject, no such information is centrally maintained in this Ministry. However, in pursuance of the assurances given in the Parliament during discussion on the report of the Justice Nanavati Commission of Inquiry into 1984 riots, the Govt. constituted two official Committees headed by Dr. D.K.Sankaran and Shri K.P.Singh. According to the information made available by the various State Governments to the Shri K.P. Singh Committee, a total of 3296 persons were killed during the 1984 anti-Sikh riots in Delhi, Uttar Pradesh, Haryana, Madhya Pradesh, Jharkhand, Chhatisgarh, Maharashtra, Orissa, Himachal Pradesh and Uttarakhand. Subsequently, Govt. of J&K also reported 17 deaths and Govt. of West Bengal reported 10 deaths. The total number of deaths, thus, reported by the State Governments work out to 3323. However, it is not known whether all these victims were Sikhs only or the figure included persons from other communities also. The State-wise break-up is as follows:-

Sl.No.	Name of State	No. of cases of reported deaths
✓ 1	Delhi	2733
✓ 2	Uttar Pradesh	251
✓ 3	Haryana	106
✓ 4	Madhya Pradesh	94
✓ 5	Jharkhand	84

6	Chhatisgarh	13
7	Maharashtra	9
8	Orissa	3
9	Himachal Pradesh	1
10	Uttarakhand	2
11	Jammu & Kashmir	17
12	West Bengal	10

3, 4, 5 and 6 of the application: Since law and order is a State subject, no such information is centrally maintained in this Ministry. All the concerned State Govts. /UTs have been requested to furnish latest information direct to the applicant (copy enclosed).

Yours faithfully,



( A.K. Saxena )  
Director (Delhi)

Tele No.2309 4387

Encl: As above

Copy forwarded for information to Shri S.K.Bhatnagar, Deputy Secretary & CPIO, MHA w.r.t. their O.M.No.A.43020/1/2008-RTI dated 1.2.08.



( A.K. Saxena )  
Director (Delhi)



**A) State wise Number Of Cases Of Reported Deaths**

S.NO	NAME OF STATE	NO. OF CASES OF REPORTED DEATHS
1	DELHI	2733
2	UTTAR PRADESH	251
3	HARYANA	106
4	MADHYA PRADESH	94
5	JHARKHAND	84
6	CHHATISGARH	13
7	MAHARASHTRA	9
8	ORISSA	3
9	HIMACHAL PRADESH	1
10	UTTARAKHAND	2
11	JAMMU & KASHMIR	17
12	WEST BENGAL	10

**B)****Data of the States of India in which violence took place against the Sikhs in November, 1984**

State	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked
Delhi	800	416	255	153	21	3	197	45
Jharkhand	79	460	129	130	-	13	-	1 312
Orissa	4	143	43	100	4	10	29	1
Uttarkhand	-	201	58	109	8	6	40	15 31
West Bengal	1	38	14	18	-	1	-	3
Bihar	-	168	45	121	3	-	1	
Haryana	51	65	36	29	4	-	28	4
Total	935	1491	580	660	40	33	295	69 343

i from the States of Uttar Pradesh, Madhya Pradesh, Chhatisgarh, Maharashtra, Himachal Pradesh, Jammu & Kashmir in which killings of s/violence against Sikhs took place is still awaited.



**C)**

S.No.	Figures as per police records of Sikhs killed in Nov.1984 in Delhi.	Cases registered for killing or violence against person or property of Sikhs.	Cases sent for Trial.	Cases sent Untraced.	Cases ended in Conviction	Cases pending Trial.	Cases ended in Acquittals.	Number of Gurudwaras attacked in Delhi.
1.	South District - 10	65	42	29	2	-	33	6
2.	West District - 66	43	23	18	-	-	23	11
3.	North District - 31	31	21	10	1	3	17	14
4.	Central District - 04	47	29	16	6	-	14	-
5.	North-West District - 26	14	11	3	-	-	11	1
6.	East District - 307	65	39	21	6	-	31	11
7.	North-East District - 171	82	56	27	1	-	46	-
8.	New Delhi District - 4	8	8	-	2	-	6	-
9.	Crime & Railways - 90	7	-	7	-	-	-	-
10.	Outer District - 91	54	26	22	3	-	16	2
<b>Total</b>	<b>800</b>	<b>416</b>	<b>255</b>	<b>153</b>	<b>21</b>	<b>3</b>	<b>197</b>	<b>45</b>

As per the information received from the Ministry of Home Affairs, the total killings of Sikhs after the assassination of the then Prime Minister Smt. Indira Gandhi in whole of India in Nov. 1984, were 3323, out of which 2733 were in Delhi, the Capital of India. However as per the information received from various police districts of Delhi under Right to Information Act the total number of Sikhs killed is 800.

**D)**

#### 1984 Riots Victims Data of Jharkhand

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	Jharkhand- Ranchi	-	16	16	3	-	13	-	-
2.	Jharkhand- Jamshedpur	-	1	1	-	-	-	1	-
3.	Jharkhand- Girideeh	-	56	15	41	-	-	1	-
4.	Jharkhand- Saraikela	2	2	2	-	-	-	2	-
5.	Jharkhand -Bokaro	72	175	Destroyed	-	-	-	-	312 - property
6.	Jharkhand- Dhanbad	4	145	76	69	-	-	-	1-Guru 245 persons
7.	Jharkhand- Palaamu	-	7	-	-	-	-	-	-
8.	Jharkhand- Ramgarh	-	31	2	-	-	-	-	62 persons
9.	Jharkhand- Sahebganj	-	3	2	1	-	-	-	3 persons
10.	Jharkhand- Kodrama	-	11	11	7	-	-	-	27 persons
11.	Jharkhand- Gardwa	1	13	4	9	-	-	-	4 persons
	<b>Total</b>	<b>79</b>	<b>460</b>	<b>129</b>	<b>130</b>	<b>-</b>	<b>13</b>	<b>-</b>	<b>313 341persons</b>

ote:- Rest of the districts in Jharkhand State there was no such occurrence.

**E)****1984 Riots Victims Data of Orissa**

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	Orissa- Koraput	-	3	3	-	-	-	3	-
2.	Orissa- Kalahandi	-	32	18	14	-	3	15	1
3.	Orissa- Khordha	1	-	-	-	-	-	-	1 person
4.	Orissa- Rourkela	2	108	22	86	4	7	11	-
5.	Orissa- Puri	1	-	-	-	-	-	-	1 person
	<b>Total</b>	<b>4</b>	<b>143</b>	<b>43</b>	<b>100</b>	<b>4</b>	<b>10</b>	<b>29</b>	<b>1 2 persons</b>

ote:- Rest of the districts in Orissa State there was no such occurrence.

**F)****1984 Riots Victims Data of Uttarkhand**

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	Uttarkhand- Bageshwar	-	3	2	1	-	-	2	1
2.	Uttarkhand- Pithoragarh	-	10	2	8	2	-	-	-
3.	Uttarkhand- Bagheshwar	-	1	1	-	-	-	1	1
4.	Uttarkhand- Nainital	-	5	5	-	-	-	2	1
5.	Haridwar-Pauri Garhwal	-	-	-	-	-	-	-	46 persons
6.	Dehradun-Sahaspur	-	6	1	5	-	-	1	1
7.	Dehradun-Balemt town	-	1	-	1	-	-	-	-
8.	Dehradun-Janpad	-	97	29	68	4	-	25	9
9.	Dehradun-Kotwali	-	12	12	-	2	6	4	2
10.	Dehradun-Dalanwala	-	26	-	-	-	-	-	26 property burnt
11.	Dehradun-Janpad	-	8	-	-	-	-	-	-
12.	Dehradun-Masoorie	-	28	4	24	-	-	4	-
13.	Dehradun-Janpad	-	4	2	2	-	-	2	-
	<b>Total</b>	<b>-</b>	<b>201</b>	<b>58</b>	<b>109</b>	<b>8</b>	<b>6</b>	<b>40</b>	<b>15/31 46 persons</b>

ote:- Rest of the districts in Uttarkhand State there was no such occurrence.

G)

**1984 Riots Victims Data of West Bengal**

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	West Bengal- South 24 PGS	-	15	4	11	-	1	-	-
2.	West Bengal-Burdwan	-	17	10	7	-	-	-	-
3.	West Bengal-Kolkata DC	-	3	-	-	-	-	-	3
4.	West Bengal-Jalpiguri	-	2	-	-	-	-	-	-
5.	West Bengal-Hooghly	1	1	-	-	-	-	-	-
	<b>Total</b>	<b>1</b>	<b>38</b>	<b>14</b>	<b>18</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>

ote:- Rest of the districts in West Bengal State there was no such occurrence.

H)

**1984 Riots Victims Data of Bihar**

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	Bihar- Kishanganj	-	1	-	1	-	-	-	-
2.	Bihar- Siwan	-	29	11	18	3	-	-	-
3.	Bihar- Chapra	-	5	5	-	-	-	-	4 persons
4.	Bihar- Lakhisarai	-	1	-	1	-	-	-	-
5.	Bihar- Bhojpur	-	11	-	11	-	-	-	-
6.	Bihar- Betia	-	2	-	2	-	-	-	-
7.	Bihar- Munger	-	12	1	11	-	-	-	1 person
8.	Bihar- Bhagalpur	-	11	1	10	-	-	-	-
9.	Bihar- Arriya	-	4	4	-	-	-	-	-
10.	Bihar- Vaishali	-	3	2	-	-	-	1	-
11.	Bihar- Samastipur	-	1	-	1	-	-	-	-
12.	Bihar- Patna	-	80	21	59	-	-	-	-
13.	Bihar- Darbhanga	-	2	-	1	-	-	-	-
14.	Bihar- Gaya	-	6	-	6	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>168</b>	<b>45</b>	<b>121</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>5 persons</b>

ote:- Rest of the districts in Bihar State there was no such occurrence.

I)

**1984 Riots Victims Data of Haryana**

No.	State/District	Sikhs killed as per police records	Cases registered for killing or violence	Cases sent for trial	Cases sent untraced/cancellation	Cases ended in conviction	Cases pending trial	Cases ended in acquittal	Gurudwara/personal property attacked & compensation granted
1.	All districts of Haryana	51	65	36	29	4	-	28	4 560 persons



**J) DISTRIBUTION OF RELIEF FUND SHOWING ACCEPTANCE BY GOVERNMENT OF KILLINGS OF SIKHS IN DIFFERENT STATES WITHOUT PUNISHING THE GUILTY**

State-wise information on disbursements of relief under the Rehabilitation Package for the 1984 riots victims as on 2.7.2007

Sl. No.	Name of State	Numbers of claims received	Number of claims			Amount released by the Central Govt.	Amount disbursed to victims so far/allotted to the DCs for disbursements
			Settled	Rejected	Pending		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	NCT of Delhi	11164	8323	-	2841	22,12,00,000	121,95,39,496
2.	Bihar	64	-	-	64	10,37,394	75,59,883*
3.	Chhattisgarh	408	363	45	0	1,49,83,000	1,60,00,218
4.	Haryana	618	518	-	100	604,51,872	6,43,50,535
5.	Himachal Pradesh	326	326	-	-	1,92,59,342	1,92,59,342
6.	Jammu & Kashmir	62	62	-	-	-	1,54,51,000
7.	Jharkhand	1265	655	-	610	7,46,45,524	13,86,03,896**
8.	Madhya Pradesh	3587	2725	669	201	11,96,07,325	4,18,39,450
9.	Maharashtra	81	80	-	1	22,33,000	Govt. of Maharashtra has been requested to intimate whether the assistance of Rs. 102.61 Lakh has since been disbursed to the 80 eligible claimants for payment of ex-gratia for loss of property. If not, the reasons which are preventing early disbursement of ex-gratia in each case. They

							have also been requested to indicate total number of persons who have applied for payment of ex-gratia.
10	Orissa	No claims received	Satisfied - Repeated - Pending -	-	-	-	-
11	Punjab	13,125	11,878	-	-	193,12,82,543	237,45,00,000
12	Uttarakhand	378	287	-	91	-	60,03,650
13	Uttar Pradesh	4326	2234	716	1376	-	9,15,20,025
14	Tamil Nadu	41	-	-	-	-	@
15	West Bengal	90	-	-	-	-	@
	<b>TOTAL</b>	<b>35,535</b>	<b>27,451</b>	<b>1,430</b>	<b>5,284</b>	<b>2,44,47,00,000</b>	<b>399,44,27,495</b>

\*The amount has been allotted to the District Magistrates by the Govt. of Bihar for disbursements to the victims.

\*\*Out of the amount indicated, Rs. 4,89,81,000 has been released to the respective Deputy Commissioners by the Govt. of Jharkhand for payment to the remaining 610 claimants.

@A proposal is under consideration for extending the "Rehabilitation Package" to the victims in Tamil Nadu and West Bengal.

# JUSTICE G.T. NANAVATI INQUIRY COMMISSION REPORT

## PART OF NANAVATI REPORT

### PART-IV

#### ASSESSMENT OF EVIDENCE

#### AND

#### RECOMMENDATIONS FOR ACTION

1.	1. GENERAL
2.	2. NEW DELHI DISTRICT
3.	3. CENTRAL DISTRICT
4.	4. NORTH DISTRICT
5.	5. SOUTH DISTRICT
6.	6. EAST DISTRICT
7.	7. WEST DISTRICT
8.	8. HIGHER UPS
9.	9. OVERALL CONSIDERATION

#### A. GENERAL

As the evidence consisting of affidavits and depositions of witnesses revealed involvement of some Congress (I) leaders and workers and also of some local persons, the Commission thought it proper to issue notices to such

persons under Section 8B of the Commissions of Inquiry Act. On consideration of the evidence of witnesses and also other material consisting of police records, reports etc. it also appeared to the Commission that conduct of certain police officers and policemen was also required to be inquired into. Therefore, notices under Section 8B were given to them also. They were all given an opportunity of being heard and to produce evidence in their defence. To the extent it was possible, they were also supplied with copies of the evidence against them. They

were also informed, as and when they appeared before the Commission, that they were permitted to inspect the record for preparing their defence.

## **B. NEW DELHI DISTRICT**

On scrutiny of the evidence relating to the Gurdwara Rakab Ganj in New Delhi District it appeared to the Commission that though policemen were posted there, they did nothing to prevent an attack on the Gurdwara or to disperse the mobs which had gathered near the Gurdwara. The evidence of S/Shri Mukhtiar Singh, Ajit Singh, Satnam Singh and Monish Sanjay Suri disclosed that the policemen posted there had remained completely passive and had failed to perform their duty. Their statements show the presence of Sub Inspector Hoshiar Singh and range in charge Shri Gautam Kaul at the time of incident. Therefore, notices were issued to Sub Inspector Hoshiar Singh and Shri Gautam Kaul. As the evidence of those witnesses also disclosed presence of Shri Kamal Nath and Shri Vasant Sathe in the mob and some participation by them, notices were also issued to them.

Shri Vasant Sathe has denied his presence at the place of incident. Shri Monish Sanjay Suri, a Journalist and Shri Ajit Singh have not spoken about presence of Shri Vasant Sathe in the mob. He is involved by Shri Mukhtiar Singh for the first time after a lapse of about 16 years. Shri Vasant Sathe in his reply has stated that on 1-11-84 at around 11 a.m. he was present at Teen Murti Bhawan where the body of Smt. Indira Gandhi was kept. While he was there he was interviewed by T.V. crew of Delhi Doorshan in which he had appealed to the people to remain calm and not to indulge in any kind of anti social activities. He had also stated that the Sikh community is very patriotic and they have made a lot of sacrifices in attaining independence and in the freedom movement and for the mistake of two persons of the community the whole community should not be blamed or condemned. He has denied to have gone near Gurudwara Rakab Ganj on that day at any time. Shri Mukhtiar Singh's version is that Shri Vasant Sathe and Shri Kamal Nath were together when Shri Kamal Nath was instigating the mob. On consideration of the other material which does not support the version of Shri Mukhtiar Singh and the reply of Shri Sathe, it appears that Shri Mukhtiar Singh had a wrong impression about the presence of Shri Vasant Sathe.

Shri Kamal Nath, in his affidavit, has stated that in the afternoon of 1-11-84, on receiving information that some violence was taking place in and around Gurudwara Rakab Ganj Sahib, he as a senior and responsible leader of the Congress Party decided to go there. When he reached there, he found that lots of people were standing outside the Gurudwara and para military personnel were also present. He tried to find out from various persons in the mob as to why they had gathered there and why they were agitated. He was told that some Hindu men and women were kept inside the Gurudwara forcibly and that was the main reason why they were agitated. By that time the Commissioner of Police came there. He felt satisfied that police would be able to control the situation, so he left that place. He has further stated that while he was near the Gurudwara he had tried to persuade the crowd to disperse and not to take law into their hands. He had also told the crowd that since the police had arrived, it was their job to ensure safety of the Hindus, if any, inside the Gurudwara and that the police would be able to control the situation. He has denied that he gave instructions to any one to resort to firing. He has also denied that he had either led that mob or had any control over the mob.

Reply filed by Shri Kamal Nath is vague. He has not clearly stated at what time he went there and how long he remained there. The situation at the Gurudwara had become very grave at about 11.30 a.m. and continued to remain grave till about 3.30 p.m. The evidence discloses that Shri Kamal Nath was seen in the mob at about 2 p.m. The Police Commissioner had reached that place at about 3.30 p.m. So he was there for quite a long time. He has not stated whether he went to the Gurudwara alone or with some other persons and how he went there. He has not stated that he looked for the police or tried to contact the policemen who were posted there for ensuring that the situation remained under control. He left that place after the Commissioner of Police arrived. He has not stated that he met him. He was a senior political leader and feeling concerned about the law and order situation went to the Gurudwara and therefore it appears little strange that he left that place abruptly without even contacting the police officers who had come there. At the same time it is also required to be considered that he was called upon to give an explanation after about 20 years and probably for that reason he was not able to give more details as regards when and how he went there and what he did. Shri Suri has said that Shri Kamal Nath tried to persuade the mob to disperse and the mob had retreated for some time. Therefore, it would not be proper to come to the conclusion that Shri Kamal Nath had in any manner instigated the mob. Shri Mukhtiar Singh, Shri Ajit Singh were quite far away from the place where Shri Kamal Nath stood amongst the mob and they could not have heard anything that Shri Kamal Nath told to the persons in the mob. What Shri Mukhtiar Singh and Ajit Singh have stated about what Shri Kamal Nath did is by way of an inference drawn by them from the gestures that were made by Shri Kamal Nath while talking to the persons in the mob. In absence of better evidence it is not possible for the Commission to say that he had in any manner instigated the mob or that he was involved in the attack on the Gurudwara.

Shri Gautam Kaul, who was the Additional Commissioner of New Delhi Range, has stated in his explanation that on 1-11-84 he was assigned specifically the charge of looking after law and order arrangement at Teen Murti House and to handle VIP visits. He had also to look after the security of newly appointed Prime Minister Shri Rajiv Gandhi. While he was in the premises of Teen Murti House, at about 12.30 p.m., a wireless message was picked up by his wireless operator informing that an agitated crowd was moving towards Gurudwara Rakab Ganj and there was a request for force. After some time another message was heard on wireless that the Commissioner of Police himself was going with an armed force to deal with the crowd. Till about 3.30 p.m. he was busy controlling the crowd at Teen Murti House. After making proper arrangements there he decided to move out for local tour. While driving past Gurudwara Rakab Ganj, he found a group of 40 persons still roaming on the main road. Seeing a police car a section of this group ran away but a small defiant group did not react to his presence. In spite of his telling them that prohibitory orders against assembling were in force they did not move away so he threatened them that he would return with armed party and deal with them in an appropriate manner and tried to create an impression that he was going with a view to come back with more police force. Thereupon that small group had also withdrawn from that place. He has further stated that at about 4 p.m. he had returned to Teen Murti House. He was further stated that he was near the Gurudwara for about 10 to 12 minutes and it is wrong to say that a mob had tried to enter the Gurudwara in his presence.

What he was stated is not consistent with the other evidence. The situation near the Gurudwara was very tense till about 3.30 p.m. i.e. till the Police Commissioner reached there with a big force. Even thereafter for some time the situation there was not normal. Therefore, it is difficult to believe that he went near the Gurudwara some time between 3.30 p.m. and 4 p.m. and at that time only a small crowd was near it. Shri Monish Sanjay Suri has



spoken about presence of Shri Gautam Kaul while there was a big mob outside the Gurudwara and it was making an attempt to enter the Gurudwara. Though there does not appear to be any reason for Shri Monish Suri to falsely say something against Shri Kaul, in view of the discrepancy in his evidence as regards the time when he reached there, the Commission is not inclined to record a finding against him that he failed to perform his duty as alleged against him. The evidence of Shri Mukhtiar Singh and Shri Suri is also not consistent on the point.

Shri Hoshiar Singh, in his reply, has stated that large number of persons returning from Teen Murti House had come near the Gurudwara as there was a bus stand nearby. As they were not able to get buses immediately, they remained near the Gurudwara. They were raising anti-Sikh slogans. Sewadars of the Gurudwara were roaming in the Gurudwara premises with open Kirpans and 'Bhallas'. Some of them rebuked those persons who were raising anti-Sikh slogans. That had proved the mob and the situation had become tense. So he had informed the Station House Officer Shri T.S. Bhalla about the situation. He alongwith other officers had gone inside the Gurudwara at about 9 a.m. and met Shri Gian Singh who was the Jathedar and advised the persons there to remain inside and to refrain from making provoking gestures. The police had then taken effective steps to disperse the mob and he himself had fired three rounds in the air from his revolver. He denied that two Sikhs were burnt in presence of the police. He has denied that he had given his revolver to a person in the mob and told him to fire at the Gurudwara. According to him what had happened was that someone in the mob had snatched the revolver of Shri Satpal Singh, a Member of Parliament. That was recovered and subsequently deposited in the Malkhana. According to him because of the effective steps taken by him and the other policemen, no person in the Gurudwara was injured. He has stated that right from the 7'O clock on that day he was near the Gurudwara with 5 other policemen. At about 1 p.m., 12 home guards were made available to him.

Thus according to Sub Inspector Shri Hoshiar Singh he had effectively controlled the situation at the Gurudwara. If he is right then it is difficult to understand why the Police Commissioner was required to rush to that place with a big police force at about 3.30 p.m. A huge crowd had remained near the Gurudwara from about 11.30 a.m. to 3.30 p.m. Damage was caused to the Gurudwara and there was great tension. His explanation is not only vague but evasive also. He has nothing to say about how damage was caused to the Gurudwara without the mob going inside the Gurudwara and how the two Sikhs were burnt alive there and why there was firing from inside the Gurudwara. It appears to the Commission that Hoshiar Singh and his men did not take effective steps to protect the Gurudwara and to disperse the mob which had gathered there. Not a single person from the mob which had entered the Gurudwara or was trying to enter the Gurudwara was apprehended by him or by his team. No force appears to have been used by them to check the riotous crowd. The fact that the mob was big cannot justify inaction on his part and the other policemen. It is a clear case of dereliction of duty on the part of Shri Hoshiar Singh and the policemen who were posted there and therefore the Commission recommends that the Government should initiate appropriate action against him and those policemen who were with him.

The evidence of Shri Ram Bilas Paswan (W-135) and the statement of Shri Inder Mohan clearly disclose involvement of Congress (I) workers in the incidents referred to by them. On the basis of the evidence of Shri Khushwant Singh (Witness-7), Ms. Jaya Jaitly (Witness-5), Shri Ashok Jaitly (Witness-24) and other witnesses, the Commission is also of the view that the policemen posted at some places in this area watched the violent incidents as spectators and did not perform their duty of preventing the mobs from doing so.

### C. CENTRAL DISTRICT

From the material with respect to the incidents which happened in the Central District, it appeared to the Commission that Congress (I) Leaders S/Shri Dharam Dass Shastri, Tek Chand Sharma, Rajinder Sharma, Hem Chander and Shri Mahesh Yadav were the persons who instigated the mobs or took part in the violent attacks. It also appeared to the Commission that SI Om Prakash and ASI Rameshwar were negligent in performance of their duty when a riotous mob had attacked Marina Store. It also appeared to the Commission that DCP Shri Amodh Kanth and Station House Officer Shri S.S. Manan had not performed their duty properly during the incident which happened on 5-11-84 near the house of Shri Trilok Singh. Therefore, notices u/s 8B were issued to all those persons. Notices to Sub Inspector Om Prakash and Assistant Sub Inspector Rameshwar could not be issued as their addresses did not become available inspite of efforts made in that behalf. Notices were served upon S/Shri Dharam Dass Shastri, Tek Chand Sharma, Rajinder Prasad Sharma, Hem Chander and Shri Mahesh Yadav. Shri Amod Kanth and Shri S.S. Manan were also served with the notices. Shri Tek Chand Sharma and Shri Rajinder Sharma did not file any reply but appeared through their advocate Shri Vinod Khanna who after perusing the record submitted that the allegations made against them are not true. S/Shri Dharam Dass Shastri, Mahesh Yadav and Hem Chander have replied to the notices. Shri Amod Kanth and Shri S.S. Manan have also filed their explanations.

There was an attack on the house of Shri Avtar Singh on 1-11-84. The affidavits of Shri Avtar Singh and Shri Chuni Lal and the evidence given by Shri Daljinder Singh indicate that at the instance of Shri Dharam Dass Shastri, who was a Congress (I) MP at the relevant time, Shri Tek Chand Sharma and Shri Rajinder Singh alongwith other persons attacked the house of Shri Avtar Singh. Shri Dharam Dass Shastri, is stated to have gone to the house of Shri Tek Chand on the previous night and instigated him and others who were present there to kill Sikhs and that Shri Tek Chand and two or three other persons who were with Shri Dharam Dass Shastri at the house of Shri Tek Chand were seen in the mob which had attacked the house of Shri Avtar Singh on the following morning. The attack had continued for quite a long time and as Shri Tek Chand and those two or three named persons were from the same locality, the witnesses were able to recognize them. Even though a written complaint was given on 1-11-84 to the police for this incident, no offence was registered till 28-11-84. In spite of the fact that these persons were named in the complaint and an offence was also registered, no further action was taken against them by the police. Shri Dharam Dass Shastri has in his reply denied the allegations made against him. But when a written complaint was made to the police with specific allegations against those persons it was the duty of the police to properly investigate that offence and file a chargesheet against the accused found to be involved. There is further evidence suggesting that Shri Dharam Dass Shastri was actively involved in the riots in this area. There is also evidence of Shri Bua Singh, Amrik Singh and Shri Harvinder Singh indicating involvement of Shri Dharam Dass Shastri in the riots in this area. Bua Singh has stated that Shri Dharam Dass Shastri and Shri Rajinder had come near his house and at that time Shri Dharam Shastri had told Shri Rajinder to get more persons and kill Sikhs. Shri Amrik Singh has stated that while his shop was looted, Shri Rajinder and Shri Dharam Dass Shastri were leading that mob. Shri Dharam Dass Shastri was also telling the mob to burn houses of Sikhs. Shri

Harvinder Singh has also stated that Shri Dharam Dass Shastri was telling the persons in the mob to kill sikhs and loot them. It has also come in evidence that on 5-11-84, he alongwith some Municipal Councilors and about 3000 persons had gone to the Karol Bagh Police Station as stated by witnesses S/Shri Pritipal Singh, Ranbir Singh and Monish Sanjay Suri.

Shri Dharam Dass Shastri had requested for cross examination of the persons who have filed affidavits against him and also for permission to produce three police officers as defence witnesses. On his request Shri Amod Kanth who was the DCP at the relevant time was called for cross-examination. Other request was not pursued. What has been taken out in the cross-examination of Shri Amod Kanth is that Shri H.C. Jatav had not used harsh words against him. Shri H.C. Jatav has, however, reiterated that there was disagreement between him and Shri H.C. Jatav. He admitted that he had issued a clarification in a newspaper and had denied therein that the Station House Officer was manhandled by the Member of Parliament or any other elected representative. The evidence of Shri Amod Kanth and the report made by him to his superior officers on 7-11-84 support to some extent the evidence of these witnesses. The version of the witnesses and Shri Amod Kanth deserves to be believed in absence of a better explanation from Shri Dharam Dass Shastri as to why he had gone to the Police Station. He had gone there with other local leaders for release of persons who were arrested for looting or being in possession of looted goods. Shri Dharam Dass Shastri had condemned the police for arresting the rioters by stating that they could not have been treated as criminals. The report further shows that the police officers were threatened with dire consequences if they took any action against those persons for being in possession of looted property. The Commission, therefore, is of the view that there is credible evidence against Shri Dharam Dass Shastri who was a Congress (I) leader of the locality, that he had instigated his men Shri Tek Chand Sharma and Shri Rajinder Singh to organize attack on Sikhs. The Commission recommends to the Government that it should examine the relevant material and direct investigation or further investigation as may be found necessary with respect to the aforesaid allegations.

Two witnesses speak about the involvement of Shri Hem Chander and Shri Mahesh Yadav, both Congress (I) workers, in the incidents which happened in Inderpuri on 1-11-84. Gurcharan Singh has stated that a mob, which had looted his truck at about 11 a.m., was led by Shri Hem Chander and that Shri Mahesh Yadav had come near his house in a jeep and distributed petrol cans to the mob which had thereafter attacked his house and burnt his father alive. Shri Kripal Singh Chawla has also spoken about the role played by Shri Mahesh Yadav and Shri Hem Chander at about 10 a.m. when he was attacked and partly burnt. In their replies to the notices issued to them they have denied those allegations by stating that they had not committed such acts. Shri Hem Chander has also produced a copy of the judgement delivered in Sessions No.73 of 1995 to show that he was acquitted by the Court of Additional Sessions Judge, Delhi in that case. A perusal of that judgement shows that the allegations made against Shri Hem Chander and his son was in respect of burning Jagat Singh alive and also for causing damage to his house. In that case Gurcharan Singh was cited as an eyewitness but he could not be examined by the prosecution because he had gone to USA and died there on 20-01-2000. His brother Sukhbir Singh had given evidence regarding the attack and stated that he did not identify anyone from the crowd as he had hidden himself on the second floor of the house alongwith other family members. It was for that reason that the Court of the Additional Sessions Judge, Delhi had acquitted Shri Hem Chander and his son. Therefore, it cannot be concluded from the said judgement that what Shri Gurcharan has said in his affidavit is not true. What Shri Kripal Singh Chawla has said in his affidavit also remains unshaken. The evidence of these two witnesses establishes that Shri

Hem Chander and Shri Mahesh Yadav, who were Congress (I) workers of Rajinder Nagar locality, had taken part in the attacks on Sikhs by instigating the mobs as alleged against them. However, in view of their acquittal by the Court, no further action is recommended against them.

Shri Trilok Singh has made serious allegations against the police, particularly, against DCP Amodh Kanth and Station House Officer Shri S.S. Manan. He alongwith his father and other family members were residing on the second floor of house No.2176 situated in Gali No.1, Chuna Mandi, Pahar Ganj. His uncle's family was occupying the first floor of the house. There were two shops on the ground floor. Their house was earlier attacked on 3-11-84 and therefore, their family and his uncle's family had taken shelter in the Pahar Ganj Police Station. On being told by the police on 5-11-84 that the situation in their area was peaceful, they returned to their homes. As stated by Shri Trilok Singh, at about 6.30 p.m. he and his father noticed a crowd near their house. His uncle who has a telephone at his house informed the police for help whereupon ASI Dev Raj with some constables came to their house. ASI Dev Raj left at about 7 p.m. telling them that he was posting some constables and home guards outside their house and therefore they should not worry. After some time he went down to serve tea to the policemen but he found that they were not there. So his father went out of the house to find out if they were there or had gone away. Immediately thereafter he heard shouts "kill the Sikhs". The mob then started throwing stones at their house. His uncle opened fire to keep the mob away. As a result thereof the mob did retreat. Within a short time more policemen and army men arrived. So his uncle stopped firing. In spite of that there was firing from outside by the military and the police. The police and the army stopped firing after sometime and then made all their family members to come out of the house and sit on the road. One of them fired a shot at Narinder Singh who was his uncle's relative. The policemen beat them with lathis. Thereafter they were made to sit in a truck and taken to Daryaganj Police Station. They were kept in a lock up throughout the night. They were not given any food. They were all sent to jail on the next day at about 8 p.m. They remained in jail till 14-11-84. It is also the grievance of the witness that a false case was registered against them by the police for resorting to firing and killing Mangal and Kishan Bahadur Gurang, though as a matter of fact, they were killed in cross firing between police and the army. His further grievance is though Central Forensic Science Laboratory's (CFSL) report dated 26-2-85 was received by the police on 30-4-85 clearly indicating that Kishan Bahadur Gurang had not died as a result of any bullet fired from the weapons seized from their house, the government continued to pursue the case for three more years and that no action was taken against the policemen. While giving evidence before this Commission Trilok Singh has further stated that he had withdrawn his affidavit filed earlier because of threats given by the police. In his further affidavit and while giving evidence before this Commission he has repeated the allegations made against the police.

In his written explanation, Shri Amodh Kanth has denied the allegations made against him and the other policemen. Shri S.S. Manan has also submitted written explanation and denied those allegations. Shri S.S. Manan was also examined as a witness (Witness No.79). They have not stated why those allegations have been made against them but they have stated that the full version given by those witnesses is not correct. According to their version Shri S.S. Manan received information regarding firing by some Sikhs in Chuna Mandi area at about 8 p.m. while he was patrolling some other area. So he rushed to that place. He saw that some Sikhs were firing and throwing brick-bats from the roof top of house No.2176 and as a result thereof people were running here and there in the nearby lanes. One person was found lying dead on the road. Shri S.S. Manan, therefore, appealed to those Sikhs to stop firing and surrender. It did not have any effect and the Sikhs inside the house kept on firing

indiscriminately. He, therefore, in self-defence fired some shots from his revolver. He also flashed a message for immediate help. Within a short time DCP Amodh Kanth alongwith some army jawans reached that place. They also told the Sikhs to stop firing and surrender. But the Sikhs continued to fire shots. Kishan Bahadur Gurang of the army was hit by a bullet fired by the Sikhs. Only after the inmates of house No.2176 were surrounded from all the sides that they surrendered before the police. As Narinder Singh had sustained a bullet injury, he was rushed to JPN Hospital. Thereafter a joint search party consisting of police and army searched that house and recovered 4 fire arms and three swords. They also recovered 198 cartridges / blank empties of different bores. They have further explained that the subsequent report of the CFSL dated 10-4-85 did suggest that the bullets which had caused death of Mangal Singh could have come from the case of .3006 bullet, shotgun pallet or .32 revolver bullet. They have also explained that relying upon this subsequent report the District and Sessions Court had framed charges in that case and therefore it is not correct to say that the criminal case against those Sikhs was continued unjustifiably for three years. The said case was withdrawn for some other reasons and in larger public interest and not because the CFSL report did not support the prosecution.

What emerges from this and other documentary evidence on record is that the policemen who were posted near their house disappeared after some time. On seeing a big crowd pelting stones towards their house, they got frightened and started indiscriminate firing at the crowd. When ASI Dev Raj reached there he found one person lying on the road and that would suggest that he had died as a result of firing from within that house as there was no firing by any one else by that time. The version of Shri Trilok Singh and Avtar Singh that Kishan Bahadur Gurang had died as a result of cross firing between the police and the army does not appear to be correct. There was no reason for the police and the army to indulge in such cross firing. If the situation had become quiet by the time Shri Amodh Kanth and the army reached there, there was no necessity for them to resort to firing. The facts and the circumstances relating to this incident do show that firing had continued from that house and to neutralize it the police and the army had to fire towards that house. What Shri Amod Kanth has stated in this behalf appears to be more probable as the second CFSL report dated 10-04-85 does not rule out the possibility of the bullet which hit Kishan Bahadur Gurang having come from one of the fire arms seized from that house. Large number of empties found from that house also indicate that firing from within that house was quite intensive. For all these reasons the allegations made against Shri Amod Kanth that he did not take effective steps to disperse the rioting mob but was strict with the persons who were defending themselves does not appear to be correct. The material on record further shows that Shri Amod Kanth had even opposed his superior officer Shri H.C. Jatav when the latter wanted to treat the persons who had looted articles belonging to Sikhs to be released and treated liberally. The Commission does not find any reliable material on the basis of which it can be said that DCP Shri Amod Kanth and Inspector S.S. Manan had either failed to perform their duties properly or that they had anti-Sikh attitude and therefore misused their position in treating the families of Shri Trilok Singh and his uncle.

The incidents of attack on the house of Camptain Manmohan Singh and the shop of Sahni Paints do disclose that no immediate help was given by the police to those who needed it. Shri Manmohan Singh, Shri Kripal Singh Chawla and Shri Trilok Singh's evidence disclose that they were required to use their fire arms to defend themselves as no protection was made available to them in time by the police against the attacks on them by violent mobs.

#### **D. NORTH DISTRICT**

On the basis of the evidence relating to the incidents which happened in this District it appeared to the Commission that the ACP Shri R.S. Malik, SI Ram Singh, ASI Amar Nath, ASI Mange Ram, ASI Raja Ram, Police Inspector Jai Bhagwan Malik, Police Inspector Durga Prasad and SI Sat Prakash had not performed their duty properly. Accordingly, notices u/s 8B of Commissions of Inquiry Act, 1952 were issued to them. Out of them ASI Raja Ram could not be served with the notice as he had already expired earlier. Others were served and they have filed their replies. It also appeared to the Commission that S/Shri Jagdish Tytler, Ram Lal, Kaka Bali, Ram Chander Nagoria and Tarvinder Singh Bedi, who were all Congress (I) Leaders or workers, were in some way involved in the attacks on Sikhs or their properties in this area. Notice issued to Shri Tarvinder Singh could not be served as it was reported that he has died. Notice was not issued to Kaka Bali also as he had expired earlier. S/Shri Jagdish Tytler, Ram Chander Nagoria and Ram Lal have sent their replies.

Shri Surinder Singh (Witness No.147), who was the Head Granthy of Gurudwara Pulbangash, situated near Azad Market while describing the attack on the Gurudwara on 1-11-84 at about 9 a.m., has stated that the mob which attacked the Gurudwara was led by Shri Jagdish Tytler who was then Congress (I) MP of the area. He has stated that Shri Jagdish Tytler had incited the mob to burn the Gurudwara and kill the Sikhs. According to his evidence the mob had thereafter attacked the Gurudwara and burnt it. One Badal Singh was also burnt alive. He has also stated that he was contacted by Shri Jagdish Tytler on 10-11-84 and asked to sign on two sheets of paper. In reply to this allegation Shri Jagdish Tytler has referred to the subsequent affidavit dated 5-8-2002 filed by this witness, wherein he has stated that he does not know what was written in his earlier statement as he cannot read or write English. He has further stated therein that he had not seen Shri Jagdish Tytler in the mob that had attacked the Gurudwara. Shri Jagdish Tytler has also stated that at the relevant time on 1.11.84 he was present at 1 Safdarjang Road where the body of Late Smt. Indira Gandhi was lying in state and that at no point of time on that day he had gone near that Gurudwara. Witness Shri Surinder Singh, during his cross examination, admitted that he had not filed any affidavit earlier either before Justice Mishra Commission or any other authority regarding what he had stated now. It would appear that by itself cannot be a good ground for not believing him. He has given evidence before this Commission and therefore what he has stated in his subsequent affidavit referred to by Shri Jagdish Tytler is not of much value. What appears from all this is that the subsequent affidavit was probably obtained by persuasion or under pressure. If this witness had really not seen Shri Jagdish Tytler in the mob or if he was not approached by Shri Tytler then he would not have come before the Commission to give evidence or would have told the Commission that the attack did not take place in that manner. For speaking the truth it was not necessary for him to wait till 5-2-2002 and file an additional affidavit. He was not called for cross examination by Shri Tytler.

As stated by Shri Gurbachan Singh (Witness-137) involvement of Shri Jagdish Tytler was also disclosed by the affected persons to the 'Citizen Commission' during the inquiry, which it had made within a short time after the riots. That inquiry was made by eminent persons of unquestionable integrity. Shri Govind Narain (Witness – 150) who had assisted the Citizens Committee, whose Chairman was Mr. Justice Sikri, has also stated that witnesses had told the Committee about participation by S/Shri H.K.L. Bhagat, Sajjan Kumar and Jagdish Tytler in the anti-



Sikh riots. Relying upon all this material, the Commission considers it safe to record a finding that there is credible evidence against Shri Jagdish Tytler to the effect that very probably he had a hand in organizing attacks on Sikhs. The Commission, therefore, recommends to the Government to look into this aspect and take further action as may be found necessary.

On 1-11-84 at about 2.45 p.m. 20 taxis were burnt and two persons were killed at the Inter State Bus Terminus (ISBT). Shri Smitu Kothari, who had witnessed that incident, has stated that six constables were present near that place when the incident had happened but they merely kept on watching it and did not prevent the mob from committing such acts or make any attempt to apprehend anyone from that mob. The record establishes that SI Ram Singh and ASI Amar Nath were present at the ISBT. If what Shri Kothari has stated is correct then obviously a finding deserves to be recorded against those policemen that they had failed to perform their duty. SI Ram Singh, in his reply affidavit, has pointed out that he and ASI Amar Nath were posted in the departure block of I.S.B.T. and the taxi stand where the incident took place was at some distance from the departure block. Their attention was drawn to the incident because of the noise after the taxi stand was put on fire. What he has stated appears to be true because by the time he reached that place with some constables he received a copy of DD No.20 through police constable Kahaniya Lal with respect to this incident. That would go to show that he was not present when the mob had set the taxi stand and taxis on fire. The documentary evidence on record thus supports the version of Ram Singh. Ram Singh has also pointed out that in the departmental inquiry against him and ASI Amar Nath Sardar Laxman Singh, President of the ISBT Taxi Stand Union and Sardar Jhanda Singh one of the taxi drivers whose taxi was burnt had given evidence to the effect that a mob of about 2000 persons had suddenly come near the taxi stand and started burning taxis. After some time Ram Singh and ASI Amar Nath along with the staff had come to that place, resorted to lathi charge and dispersed the mob. SI Ram Singh then removed the injured persons to Bara Hindu Rao Hospital and also rescued about 50 to 60 Sikhs residing there and sent them to the police post for their safety. On the basis of this material he was exonerated in the departmental inquiry. In view of the fact that Shri Ram Singh's version is supported by the contemporary documentary the version given by Shri Smitu Kothari does not appear to be correct.

Three persons, namely, S/Shri Inder Singh, Maan Singh and Mahesh Sharma have spoken about the looting and burning of houses of Sikhs in Nimri Colony on 1-11-84 at about 9 a.m. Their allegation is that Sub Inspector Mange Ram and his assistant were present when the attacks took place but they did not stop the mob from committing such acts even though they were armed.

Shri Mange Ram in his reply to the notice has stated that on the basis of this allegation he was tried in the court of Additional and District Sessions Judge, New Delhi in Sessions No.32 of 2001 and was acquitted in that case. It appears from that judgement that these witnesses had stated before the court that they were not able to identify any person in that mob. They had not identified Mange Ram. However, in view of the statements of these witnesses, departmental inquiry ought to have been initiated against him to find out whether there was any dereliction of duty on his part. The Commission, therefore, recommends that the Government should direct a inquiry to be held against him.

These three witnesses have also stated in their affidavits that the said mob was led by S/Shri Kaka Bali, Ram Chander Nagoria (Vice President of Youth Congress), Om Prakash alias Omi, (brother-in-law of Deep Chand

Bandhu, a Municipal Councilor belonging to Congress (I)), son of Deep Chand Bandhu, Lovely and Ram Lal. On the basis of their statements an offence was registered and the police after investigation filed a chargesheet against Shri Ram Chander Nagoria, Lovely and others. No chargesheet was filed against Shri Om Prakash or the son of Shri Deep Chand Bandhu. In his reply Shri Nagoria has stated that in the trial before the Court of the Additional Sessions Judge, New Delhi these three witnesses had stated that they were not able to identify any person in the mob, and so all of them were acquitted.

It is not difficult to understand why these witnesses had gone back upon their statements made before Justice Mishra Commission and or before the police during investigation. Though in view of their acquittal for the reasons stated in the judgement in their case the Commission does not recommend initiation of any action against them now, it considers it proper to record a finding that these Congress leaders / workers did participate in the anti-Sikh riots.

Ten sikhs were killed in Kabir Basti area falling within the Sabzi Mandi Police Station. It has been alleged by Smt. Pritam Kaur, Smt. Inderjit Kaur, Smt. Jasvinder Kaur and Smt. Lajwanti Kaur that this incident happened in the presence of ACP Shri R.S. Malik and Station House Officer Shri J.B. Malik. They had also alleged that those two officers were telling the mob not to spare any Sikh and not to leave any evidence. Both these witnesses have responded to the notice and produced all the relevant material relating to that incident and also copies of the record of the departmental inquiry held against them. During the departmental inquiry all these witnesses had stated that their affidavits were obtained by Advocate Bajrang Singh, who had represented to them that they were prepared by him for claiming compensation. They have further stated that the allegations made therein are not correct. None of those witnesses has again reiterated before this Commission the allegations made by them in their affidavits. On an overall consideration of the evidence, the allegations against these officers do not appear to be correct and therefore no action is recommended against them.

Shri N.S. Bawa, an Advocate and a Teacher has stated in his affidavit that during the night between 31-10-84 and 1-11-84 he and his neighbours had apprehended 6 persons out of the mob that was looting nearby shops. He has also stated when Shri H.C. Jatav, who was the Additional Commissioner of Police, came there he had handed over those 6 persons to him. Shri H.C. Jatav allowed them to run away after some time.

Police Inspector Durga Prasad and SI Sat Parkash, according to the affidavit of Piara Singh, had instigated the mob which attacked his factory situated at Mori Gate. He has also stated that Inspector Durga Prasad did not help him in recovering the goods looted from his house even though he had informed Police Inspector Durga Prasad that they were lying in the nearby jhuggis. Shri Durga Prasad in his written explanation has stated that on the basis of these allegations a departmental inquiry was held against him and by an order dated 4-1-2002 he has been reduced in rank by way of punishment. He has further stated that his challenge before the Central Administrative Tribunal has failed but he has filed a writ petition in the Delhi High Court against that order and the same is still pending for final disposal. He has further pointed out that soon after the riots he was able to recover the properties worth Rs.6 lacs. He has also stated that Piara Singh on coming to know that a departmental inquiry was initiated against him voluntarily made a further affidavit stating that the allegations made in the earlier affidavits were not correct. It appears to the Commission that the subsequent affidavit of witness Piara Singh was obtained by Durga Prasad to save himself. Piara Singh's allegation deserves to be believed as he had no reason to make any false



allegation against Durga Prasad, particularly, when Durga Prasad himself has stated in his reply that he has good relations with Piara Singh. Departmental inquiry was thus rightly held against him and he appears to have been adequately punished. So far as SI Sat Parkash is concerned departmental inquiry was held against him also. In view of the weak nature of evidence against him he was exonerated. Shri Sat Prakash has produced all that material alongwith his reply. In view of the affidavit of Shri Piara Singh a separate offence ought to have been registered and the role played by these two policemen ought to have been investigated by an independent investigating officer. But in view of the result of the departmental inquiry against them the Commission does not recommend any further action now.

In this area also at some places like Chandni Chowk, Sarai Rohilla and Adarsh Nagar, the policemen posted there had remained passive and failed to perform their duty of protecting innocent citizens. Further, violent attacks in Chandni Chowk were prevented by timely action taken by ACP Shri Parera and Station House Officer Shri Tiwari. Thus if timely action was taken by the police against the persons indulging in riots probably many lives could have been saved.

#### **E. SOUTH DISTRICT**

On the basis of the material on record with respect to the incidents which happened in this District, it appeared to the Commission that Dr. Chander Prakash who was the DCP of the Area, Shri O.P. Yadav, Station House Officer of Police Station Srinivaspuri, Shri Rohtash Singh, Station House Officer of Police Station Delhi Cantt., Shri Ram Phal, Station House Officer of Police Station Hazrat Nizamuddin, SI Ved Prakash of Police Station Srinivaspuri, SI Ishwar Singh of Police Station Srinivaspuri, Head Constable Shakti Singh of Jangpura Police Post and Head Constable Mahinder Singh of Police Station Srinivaspuri had not performed their duties properly and therefore, notices under Section 8B were issued to them. As involvement of S/Shri Hari Chand Saini, Vijay Chaudhary, Himmat Rao, Vijay Kumar Anand, Ajay Satsangi, Yogesh Sharma, Naresh Jain, Suresh Jain, Kalu Ram, Balwan Khokar, Pratap Singh, Sajjan Kumar, Maha Singh and Mohinder Singh was also disclosed, notices under Section 8B were issued to them also. Notices were not issued to S/Shri Naresh Sharma, V.P. Rana, Dinesh Tiwari, Jagdish Mittar and Dharam Vir Solanki as they had expired earlier. Out of these persons, Shri Vijay Kumar Anand and Shri Maha Singh have not filed any reply.

In reply to the notice issued to him, Dr. Chander Prakash has stated that this Commission has no jurisdiction to record any finding against him as in a full-fledged inquiry held against him he has been exonerated by the Inquiry Officer. Against disagreement of the government with the findings recorded by the Inquiry Officer he has filed Civil Writ Petition No.641/1998 in the High Court of Delhi and the same is pending. The Commission is of the view that pendency of the Writ Petition in the Delhi High Court is no bar for this Commission to inquire about his conduct during the riots and in making an appropriate recommendation against him to the Government. Similarly, Shri O.P. Yadav, who was Station House Officer of Police Station Srinivaspuri, has submitted that holding of an inquiry by the Commission against him would be an utter violation of his fundamental right as he has been exonerated in the departmental inquiry held against him. The contentions raised by both these officers are without any substance. The object nature and scope of inquiry under the Commissions of Inquiry Act is quite different. It has a much wider scope than a departmental inquiry or a criminal trial. The bar or violation which they have spoken about may arise at a stage when any action is taken against them on the basis of any recommendation made by the Commission.

The Commission is, therefore, of the view that it can look into their conduct also while making the inquiry which has been entrusted to it. SI Ved Prakash has also stated that he has also been exonerated in the departmental inquiry held against him. Sub Inspector Ishwar Singh has also filed a similar reply. Head Constable Mohinder Singh has stated that during his trial before the Court no witness had made any allegation against him. Sikhs were killed and their properties were looted and destroyed on a very large scale in the areas under them. Except pleading inadequacy of the police force, no better explanation is given by any one of them as to why they were not able to prevent such a colossal loss. If all the relevant material is taken into consideration there can be no doubt in the mind of any reasonable person that they and other police officers and policemen in charge of areas where these incidents had happened were negligent in performance of their duties. The Commission recommends that the Government should consider even now if any action can be taken against them. As regards the positive acts of involvement alleged against them, criminal cases as recommended by the Committees appointed earlier by the Government were registered and they were tried by the Courts. Therefore, no further action against them is recommended by the Commission with respect to those allegations.

Narinder Singh, Balbir Singh and Kishan Singh have stated in their affidavits that Yogesh Sharma, Naresh Sharma, Naresh Jain and Suresh Jain had instigated mobs in looting and burning shops of Sikhs. On the basis of their statements they were chargesheeted by the police and were tried by the Court of Additional Sessions Judge, Delhi and were acquitted. An appeal filed against their acquittal has also been dismissed by the High Court of Delhi. In view of the nature of evidence against them and their acquittal the Commission does not recommend any further action against them. So also the evidence against Shri Hari Chand Saini and Vijay Chaudhary is not sufficient and reliable enough to persuade the Commission to record any finding against them.

Shri Ajay Satsangi, in his reply, has stated that he was not a Youth Congress (I) leader. He was not even a member of any political party. He has been falsely implicated by Shri Mukhinder Singh. If he was a leader of the locality other witnesses would not have failed to name him. Mukhinder Singh's complaint was recorded and investigated. Therefore, no action is recommended against Shri Satsangi.

Shri Himmat Rai has stated in his reply that on the basis of the complaint filed by Shri Gurcharan Singh he was tried by the Court alongwith Shri Vijay Kumar Anand and three others and was acquitted. Nobody had deposed in the Court that he was a member of the unruly mob which had caused damage to the Gurudwara. From the copy of the judgement produced by him it appears that all the eyewitnesses were declared hostile as they had resiled from their police statements. Shri Himmat Rai was a Congress (I) leader of Lajpat Nagar locality. There is material on record to show that influential political leaders had obtained large number of affidavits from affected and other witnesses declaring that they were not so involved. Therefore, it is not difficult to understand why the witnesses in that case has resiled from their police statements. Though no legal action can now be recommended against him, the Commission does come to the conclusion that he had participated in the attack on the Gurudwara.

Many witnesses have stated about the involvement of S/Shri Sajjan Kumar, Balwan Khokhar, Pratap Singh, Maha Singh and Mohinder Singh. Jagdish Kaur, Sudershan Singh and many persons from Raj Nagar, Palam Colony have spoken about the participation of S/Shri Sajjan Kumar and Balwan Khokhar in the riots in their area. They have stated that the mobs indulging in riots were led by Shri Balwan Khokhar and other Congress leaders. Sudershan Singh has specifically stated that Shri Sajjan Kumar was giving directions to Shri Balwan Khokhar

during such attacks. Amarjit Kaur of Chand Nagar has specifically stated that Shri Sajjan Kumar had led the mob which killed her husband Capt. Nazar Singh Mangat. Surjit Kaur of Tilak Vihar has stated that Shri Sajjan Kumar had brought a truck load of hooligans who had attacked her house. Jagdish Kaur of Raj Nagar had stated that she had heard Shri Sajjan Kumar telling the persons who had gathered near Mandir Mangla Puri, "SARDAR SALA KOI NAHI BACHNA CHAHIDA." Jasbir Singh of Raj Nagar has also spoken about the involvement of Shri Sajjan Kumar and Shri Balwan Khokhar and further stated that even though he had gone with a written complaint naming the assailants the police did not take down its complaint and Shri Sajjan Kumar was not put up for trial. Shri Kishandev Singh has also stated that he had seen Shri Sajjan Kumar in the mob which had attacked his house. He has also stated that he had named four persons but only two of them were prosecuted. Similarly, large number of witnesses including some of the above named witnesses have stated that Shri Balwan Khokhar had led the mobs which killed large number of Sikhs. Joginder Singh of Raj Nagar, Sampuran Kaur, Jagdish Kaur r/o RZI-129, Raj Nagar-I and Jagdish Kaur r/o WA-58, Raj Nagar have also specifically named him as the leader of the mob which had attacked their houses. Other Congress leaders named by the witnesses are Balram, a Yough Congress (I) worker, Mann Singh Chand, Capt. Bgah Mal, Mahinder Singh and Pratap Singh, who was the Pradhan of their colony as stated by Sardar Prabcharan Singh of Sangroor. Baljinder Singh of Sadh Nagar has stated that Harkesh Vats, Radhey Shyam and other local Congress (I) leaders had attacked the houses and shops in their locality and also killed some Sikhs. Other local persons who have been named by the witnesses as the persons who had taken a leading part in the attacks on Sikhs are Rohtas, Ram Kumar and Ved Prakash. Gajinder Singh, Jagdish Kaur and Smt. Nirmal Kaur of Sagarpur have stated that their complaints were not recorded by the police. Gajinder Singh's complaint was recorded only with respect to the loss caused to him. The complaints which Jagdish Kaur and Nirmal Kaur wanted to give were not recorded by the police.

In reply to the notice issued to him Shri Sajjan Kumar has filed a detailed affidavit and produced copies of judgements delivered in 8 cases. He has stated that the persons who had given affidavits before Justice Mishra Commission were examined by the police or courts where either they had not named him or they were disbelieved. He has further stated that in all the criminal cases filed against him he has been acquitted by the Court of Additional Sessions Judge, Delhi. He has also stated that Shri Balwan Khokhar was tried with him and he also has been acquitted by the Court in all the cases. He has pointed out that witnesses Kher Singh, Raj Kumar and Sudershan Singh had not named him while deposing before the Court and therefore he was acquitted. In those cases they were cited as witnesses. With respect to six witnesses, copies of whose statements were supplied to him alongwith Section 8B notice, he has stated that Jasbir Singh had not stated anything against him in the Court. With respect to Santokh Singh (Witness-133) he has stated that before the Court the witness had only stated that Shri Sajjan Kumar had come in a white jeep in the locality. As regards Jagdish Kaur (Witness-136) he has stated that she had not named him in her statement recorded with the police during the investigation in FIR No.416/84. As regards Kishandev (Witness –144) he has stated while giving evidence before the Court in the case arising out of FIR No.414/84 this witness had not named him. There is ample material to show that no proper investigation was done by the police even in those cases which were registered by them. In fact the complaint of many witnesses is that their complaints or statements were not taken by the police and on the basis of thereof separate offences were not registered against the assailants whom they had named. Even while taking their statements the police had told them not to mention names of the assailants and only speak about losses caused to them. There is also material to show that the police did not note down the names of some of the assailants who were influential persons. One

witness has specifically stated that he had named Shri Sajjan Kumar as one of the assailants yet his name was not noted in his statement by the police. In view of these facts and circumstances and considering the fact that Shri Sajjan Kumar and Shri Balwan Khokhar were influential persons in this area, their acquittal in criminal cases cannot be given much importance and certainly it cannot come in the way of the Commission in recording a finding on the basis of the material place before the Commission. They were the leaders of the locality and therefore, there is no question of their mistaken identity. Why so many persons had named him and attributed acts like addressing meetings and inciting people to kill Sikhs and to loot and destroy their properties remains unexplained by Shri Sajjan Kumar. A technical defence taken by him that these witnesses had not named him before the police or in the Courts is not a good explanation for disbelieving those witnesses. Other local leaders to whom notices were given have also not given any better explanation. As stated earlier Shri Maha Singh and Mohinder Singh Yadav have not filed any reply. So far as Shri Sajjan Kumar is concerned, there is also evidence of Shri Gurbachan Singh (Witness-137) and Shri Govind Narain (Witness-150) who have stated that in the inquiry which were conducted within a short time after the riots, affected persons had named him as one of the persons who had instigated attacks on Sikhs. Shri Sajjan Kumar's involvement is also disclosed by the witnesses who have spoken about the incidents in Mangolpuri and Sultanpuri areas also. The Commission is, therefore, inclined to take the view that there is credible material against Shri Sajjan Kumar and Shri Balwan Khokhar for recording a finding that he and Shri Balwan Khokhar were probably involved as alleged by the witnesses. The DSGPC and CJC have also drawn the attention of the Commission to some cases where Shri Sajjan Kumar though names was not chargesheeted or they were closed as untraced. No useful purpose can now be served by directing registration of those cases where the witnesses complaining about the same were examined before the courts and yet the other accused were acquitted by the Courts. The Commission therefore recommends to the Government to examine only those cases where the witnesses have accused Shri Sajjan Kumar specifically and yet no chargesheets were filed against him and the cases were terminated as untraced and if there is justification for the same take further action as is permitted by law. Those cases which were closed as untraced and which still deserve to be re-examined are those which would arise from FIR Nos.250/84, 307/94 and 347/91 of police station Sultanpuri, FIR Nos.325/93, 178/84 of police station Mangolpuri and FIR No.416/94 of police station Delhi Cantt. They deserve to be re-examined in view of the evidence of (1) Smt. Prem Kaur who has spoken about the incident of 1-11-84 near B-2 Park, (2) Anek Kaur who has spoken what happened on 1-11-84 near E-6 Block when she had approached Shri Sajjan Kumar, (3) Jatan Kaur who has spoken about the incident of 1-11-84 near B-2 Park and (4) Joginder Kaur who had stated about the incident of 1-11-84 and on the basis of whose complaint FIR No.347 was registered on 13-12-91. These are all incidents, which had happened in the area of police station Sultanpuri. FIR 329/93 of Mangolpuri was registered on the basis of statement of Shri Jagjit Singh and that incident also deserves to be re-examined. Didar Singh has spoken about Shri Sajjan Kumar having called a meeting of Congress (I) workers belonging to Patiala and Nawada villages. This incident was covered by FIR 325/93 of police station Mangolpuri. No chargesheet was filed against Shri Sajjan Kumar. Shri Satnam Singh has also referred to this incident. Jasbir Singh was examined as a witness by this Commission and he has stated that even though he had given a statement implicating Shri Sajjan Kumar and Shri Balwan Khokhar during the investigation of FIR 416/84, no chargesheet was filed against Shri Sajjan Kumar. Similarly, Jagdish Kaur has filed an affidavit and also given evidence stating that Shri Sajjan Kumar had incited a mob on 2-11-84. She had also given statement to the police and FIR 416 was registered on that basis. Yet her grievance is that no chargesheet was filed against Shri Sajjan Kumar.

There is enough evidence to show that the policemen posted in some of the localities of Delhi Cantt., R.K. Puram, Naraina, Hauz Khas, Mehrauli, Lajpat Nagar, Srinivaspuri, Lodhi Colony and Nizamuddin had either remained passive and watched the incidents as spectators or that they had actively instigated or helped the mobs in attacking Sikhs. There is also sufficient evidence to show that the policemen of Delhi Cantt., Srinivaspuri and Nizamuddin had compelled Sikhs who were collectively defending themselves to go back to their houses and their Kirpans and means of defence were taken away so as to render themselves helpless against the attacks. There is also evidence to show that some police officers had remained with the mobs while they were attacking Sikhs. Jagdish Kaur of Delhi Cantt. Has stated that she had heard Station House Officer of the Delhi Cantt. Police Station inquiring from the mob as to how many 'MURGAS' (Sikhs) were killed. Malkiat Singh, Secretary to Shri Guru Singh Sabha situated in Naraina Vihar has stated that when he had gone to the police to report about the attack on Gurudwara he was told by the police that, "Theek Hi To Ho Raha Hai. Intejar Kariye, Apko Bhi Dia Jalaya Jayega." (right thing is happening, wait you also be burnt). In the Delhi Cantt. Area alone, as found by Ahuja Committee, 341 Sikhs were killed. 385 houses were damaged or burnt. About 150 complaints were filed with respect to those incidents later on by the persons affected. No separate cases were registered on the basis of those complaints. Only five FIRs were recorded by the police. The police had not resorted to firing either on 1-11-84 or on 2-11-84 on which days most of the incidents had taken place. Sub Inspector Shri Ramesh Singh Rana who was in charge of Badarpur area has stated that even when he had reported that the situation in his area was grave and was out of control, he was told by Shri Chander Prakash, DCP of the area, to keep restraint and not to use fire arms. When he had asked for additional staff to control the situation he was told that he was a Jat and that he was more than enough in the area. He has stated that he had also reported 77 deaths in Sagarpur Division alone but he was told by his superior officer not to disclose such a high number of deaths and was also threatened that he would have to face dire consequences if he did so. He has also stated that even though the DCP had wrongly reported to the Headquarters that there were only 20 deaths, later on he was suspended on the ground that he had reported less number of deaths. On consideration of the entire material, the Commission is of the view that these aforesaid police officers did not perform their duties properly. Action by way of Departmental Inquiry was initiated against each of them. It would now be futile to initiate any criminal action against them as the other persons accused of having committed the actual acts of killing or looting have already been tried and acquitted in most of the cases.

#### **F. EAST DISTRICT**

The Material in respect of incidents which had happened in this District disclose that some Congress leaders and workers had directly or indirectly taken part in those incidents. The leaders/workers who have been prominently and repeatedly named are S/Shri H.K.L. Bhagat, Shyam Singh Tyagi, Bhoop Singh Tyagi, Virender Sharma, Dr. Ashok, Smt. Jamna Devi and her sons, Rampal Saroj, Kanak Singh, Duli Chand, Sukhan Lal and Dr. P.D. Verma. Notices were not given to Sukhan Lal, Dr. P.D. Verma, Jamana Devi, Prabhu s/o Jamna Devi and Ram Pal Saroj as they had already expired. Notices were issued to others. In this District large number of local persons had also participated in the attacks on Sikhs. Notices were, therefore, issued to some of those persons who were specifically named by the witnesses including Shri Kishori and Haroo Singh were prominent amongst them. As it appeared that many police officers and the policemen had either failed to perform their duty by remaining indifferent or had helped the mobs in their violent activities, notices were given to all of them including DCP Shri Sewa Dass, ACP Shri R.D. Malhotra, Station House Officer Bhaskar and Shri Shoorvir Singh Tyagi. As police



officers Tuli Dass, Mani Ram, Jagdish Prasad and Giri Raj had died earlier, notices were not issued to them. Notice sent to Shri R.C. Thakur who was then the Station House Officer of Police Station Seema Puri could not be served as he was not available at his known address and inspite of efforts made by the police his new address could not be ascertained. Many of the local persons to whom the notices were sent could not be served as they could not be found. Shri H.K.L. Bhagat did not file any reply as he is not in a position to do so. His son appeared before the Commission and submitted medical reports which show that Shri Bhagat is completely bed ridden and he is seriously affected by the brain disease known as 'dementia' and it is at an advanced stage.

Shri Sardul Singh has stated some known local persons including Virender Singh, Ashok and Jagdish were in the mob which had attacked his house and killed 7 members of his family. He has further stated that when he had gone to the Police Station for giving his complaint Sub Inspector Tulsi Dass instead of registering it had called the assailants named by him. Virender Singh had come with a revolver and in his presence SI Tulsi Dass had forced him to write that he had no grievance against Virender Singh and others who were named by him. Shri Kishori, Rohtas and others who actually took part in killing Sikhs were prosecuted and so far as Kishori is concerned he has been convicted in some cases and is facing death sentence. The material placed before the Commission does not clearly show how many of the local persons to whom notices were given were tried in criminal cases and what happened in those cases. Except in respect of few of them, witnesses had not given full description or other particulars on the basis of which they could have been identified. Some of those persons have been convicted and most of them have been acquitted. In view of long lapse of time, it would be difficult to locate them now. Under the circumstances, the Commission does not recommend any further action against those persons to whom the notices were given and also against other persons who have been named by the witnesses, as the assailants.

Shri Sajjan Singh r/o Trilokpuri has stated that Shri H.K.L. Bhagat was present when 15 persons had come alongwith him had killed Sikhs near his house. Shri Inder Singh has stated that in the month of November, 1984 Shri Bhagat had called him at him residence. He was taken there by Shri Gulati, a Councilor of the area. Five other Sikhs from Farsh Bazar were also there. Shri Bhagat had told them that he was making efforts for providing houses to the residents of Block-32 of Trilokpuri and no one should name him. Shri Bhagat had also sought their affidavits to the effect that he was not involved in the riots. He has stated that again on 27.8.85 Shri Gulati had called him at his residence. At that time Shri Makhan Singh, a Congress worker and President of Congress unit was also there. They had demanded affidavits of Sikhs for producing them in Courts to show that no Congress worker had participated in the anti-Sikhs riots. Ms. Kamlesh has stated that on 31-10-84 she had seen Shri Bhagat addressing a crowd of persons and inciting it to kill Sikhs and as a result thereof on the next day her house and other houses in the locality were attacked by a riotous mob. Shri Bhagat has also been named by Shri Nanki Devi. Smt. Balbir Kaur has stated that on 31-10-84 she had seen Shri Bhagat inciting a mob of about 5000 persons. Some witnesses have stated that they had seen persons who were close to Shri Bhagat leading mobs in their localities. Large number of witnesses have also stated about involvement of Shri Rampal Saroj and Dr. Ashok. Parsa Singh has stated that in the middle of August, 1985 he was called at Kalyanpuri Police Station by Station House Officer Shri Tyagi. He was told by Shri Tyagi that whatever had happened was done at the instance of S/Shri H.C. Jatav, H.K.L. Bhagat and Dr. Ashok and that he should not blame him. A couple of days later he was again called at the Police Station. At that time Shri Shoba Singh, Sahib Singh, Lachman Singh and Anoop Singh were present there. At that time also former Station House Officer Tyagi was present and he had told him to help him by not implicating him. They have also been described as right hand persons of Shri Bhagat. From the

evidence of these witnesses it appears that S/Shri Bhagat, Rampal Saroj and Dr. Ashok, who were local Congress (I) leaders, had taken active part in this anti-Sikh riots in this area. All other Congress (I) leaders and workers have denied the allegations made against them. Dr. Ashok has stated in his reply that he was prosecuted in cases arising out of FIR No.426/84 of Police Station Kalyanpuri and was acquitted by the Court in all those cases. Dr. Ashok and Ram Pal Saroj were acquitted because the witnesses did not involve them while deposing before the Court. The reply given by Shri Shyam Singh Tyagi is vague. Shri Bhoop Singh, Duli Chand and Kanak Singh have stated that they have been acquitted in the criminal cases filed against them. On an overall consideration of the material the Commission is of the view that there is credible material against these Congress leaders and workers on the basis of which it can be said that very probably they were also involved in the anti-Sikh riots as alleged against them; but, as they have been acquitted in the criminal cases filed against them, the Commission does not recommend any further action against them, including Mr. Bhagat in view of his physical and mental condition.

So far as the police officers of this area are concerned, many witnesses have stated that DCP Shri Sewa Dass, Station House Officer Shri Tyagi and SI Kapoor had even encouraged the mobs while they were attacking Sikhs. Shri Sewa Dass, in his reply has stated that an inquiry was held against him and he has been completely exonerated in the departmental inquiry. He has also stated that there was no personal lapse on his part. He has stated that most of the persons who have filed affidavits against him were called for giving evidence in the departmental inquiry but they did not turn up and those who gave evidence did not say anything against him. As departmental inquiry was held against him and he has been exonerated, the Commission does not recommend any action against him. Station House Officer Shri Bhaskar, in his reply, has stated that he has filed a Civil Writ Petition No.5241/2004 and 6854/2004 in the High Court of Delhi challenging the inquiry which is being made by the Commission after issuing notice under Section 8B. He has also obtained stay of the operation of the notice. As the matter is sub judice, the Commission does not record any finding as regards his involvement. Station House Officer Shri Tyagi has stated that he was falsely implicated by his seniors and in both the criminal cases that were filed against him he has been discharged. The revision petitions filed against the orders of discharge have been dismissed by the Delhi High Court. In view of his acquittal now, no action is recommended against him. There is scanty evidence against ACP Shri R.D. Malhotra and therefore the Commission does not recommend any action against him also.

## **G. WEST DISTRICT**

The evidence relating to the incidents which happened in this District disclosed that Shri Sajjan Kumar and Shri Brahmanand Gupta, the two Congress (I) leaders and Nathu Pradhan had taken part in some of those incidents. Therefore, Section 8B notices were issued to Shri Sajjan Kumar and Shri Brahmanand Gupta. Notice was not issued to Nathu Pradhan as he had died earlier. As the witnesses have made allegations against DCP Shri U.K. Katna, Station House Officer R.S. Dhayia, Station House Officer Rampal Singh Rana, Station House Officer Sheodeen Singh, Station House Officer Shri H.R. Bhatti, SI Iqbal Singh and Head Constable Jai Chand, notices were issued to these police officers also.



Shri Sajjan Kumar has denied the allegations made against him by Shri Kehar Singh. This witness has stated that on 1-11-84 when he was going to his shop in the morning and when he was near D-Block of Mangolpuri he had seen Shri Sajjan Kumar addressing a crowd near the Congress (I) Office and heard him telling them that sikhs had killed their Maata and therefore no Sikh of the area should be spared. At that time Shri Ishwar Singh and Hardwari Lal were present. Pursuant to this incitement a crowd had then attacked the Gurudwara in the locality and three persons, namely, Dr. Iqbal Singh Chadha, Shri Resham Singh and Shri Ajit Singh were burnt alive. He has further stated that when he had gone to the Police Station and told the police that he had seen the murders of those three persons, he was told by the police that no case was registered in respect thereof it was not possible to record his statement. It appears that in respect of death of Iqbal Singh Chadha FIR No178/84 and the case was then filed as untraced. Kehar Singh had specifically stated that he was the eye witness to the murder of Dr. Iqbal Singh Chadha yet his statement was not recorded with result that he was not even cited as a witness. Thus even though eye witness was available, the police did not investigated the case properly and closed it as untraced. The Commission therefore does not recommend any further action against him pursuant to the evidence of this witness. Shri Sajjan Kumar has denied his involvement and stated that Kehar Singh was examined as a witness in the Court of Additional Sessions Judge, Delhi. The witness had not said anything against him and other accused were acquitted by the Court. So far as the police officers are concerned, departmental inquiries were held against them except Shri Bhati and they have been exonerated. Therefore no further action is recommended against them. Shri Bhati's explanation that the area under his charge was very large and the force was highly inadequate is not a good explanation but in view of long lapse of time and weak evidence against him, no action is recommended against him also.

#### **H. HIGHER UPS**

The Commission had issued notice to Shri S.C. Tandon who was the Commissioner of Police Delhi during the relevant period. In reply thereto he has produced a copy of the statement submitted by him before Justice Mishra Commission with a request to treat the said statement as his deposition before this Commission. In his statement he has explained that as and when he came to know about worsening of the situation in Delhi he gave necessary instructions to his subordinate officers and issued orders for proper maintenance of law and order. He has stated that the police force in the city was highly inadequate and on 30-11-84 itself he had requested the Ministry of Home Affairs to provide him para military force. He had also requested the government to get as much police force from outside as possible. He also pointed out that on receiving messages regarding some serious events he had personally gone to those places to see that proper steps were taken for maintenance of law and order. He has also explained how he had remained busy for the purpose of making arrangements at Teen Murti Bhawan where the dead body of Smt. Indira Gandhi was kept and where large number of VIPs and other persons were likely to go to pay their homage. He had also to make arrangements for the cremation of Smt. Indira Gandhi. He was able to get 17 companies of Central Police Force on 30-11-84. He has further stated that the strength of outside force increased to 51 companies by the morning of 01-11-84. He distributed the force in different areas in accordance with their immediate demands. He met the Lt. Governor on 1-11-84 and informed him about the necessity of requisitioning services of the Army. He also passed orders for imposing of curfew in the areas where the situation of law and order had become serious. He has further stated that there was a meeting between the Lt. Governor himself and Major Gen. Jamwal, GOC Delhi area, in the afternoon. Major Gen. Jamwal had informed him that he

did not have enough units and he would be able to cover only two continuous districts i.e. districts adjacent to his Headquarter Delhi Cantt. On his suggestion Mr. Jamwal agreed to deploy one in Central District and one in South District. He has also referred to the attack on Gurudwara Rakabganj and his having gone there. He has stated that when he reached there firing from inside the Gurudwara was continuing so he had jumped into Gurudwara ground and prevailed upon the Granthi to request the persons on the terrace of the Gurudwara not to fire any more. He has also stated that he had brought out from the Gurudwara three Hindu servants with their wives and this had the desired effect of satisfying the mob outside that no harm was done to them. he has also referred to the presence of Shri Kamal Nath and stated that he was helping the police in persuading the crowds to disperse. He has stated that at that time Additional CP/Range New Delhi had also arrived there and he alongwith the DCP of the area had kept the crowd under check. He has referred to his various meetings with Lt. Governor and a meeting with the Home Minister in the evening of 1-11-84.

He has stated that on 2-11-84 he had taken a tour of the East District. The army had moved in to cover all the districts by the late afternoon on that day. He had come to know about the massacre in Trilokpuri at about 6 p.m. and had directed Addl.CP/Range Delhi to proceed to that place and make necessary arrangements. He has stated that as the Station House Officer of that Police Station was found negligent in portecting the Sikhs he was arrested and suspended immediately. He had thereafter personally gone to Trilokpuri and given necessary instructions for protection of the remaining persons and their safety. He has stated that the situation had eased considerably from 4-11-84 onwards. According to him he had not received any instruction from the Home Minister either on 31-10-84 or till the evening of 1-11-84. He has stated that on 31-10-84 he had not received any intelligence report regarding any plan to attack the Sikh community or their properties. Nothing unusual was brought to his notice by the Addl.CP, CID on 31-10-84 or on 1-11-84. Till then he had not received any report about the serious violence that was going on in East District and West District. He has categorically stated that he was not informed about what had happened in Palam in South District and in Sultanpuri, Mangolpuri and Trilokpuri on 1-11-84. He has stated that he came to know about these incidents in Sultanpuri, Mangolpuri and Trilokpuri on 2-11-84. As many incidents had taken place inspite of his orders he believed that tere was some lapse on the part of some individuals to take effective steps and to feed information to the higher officers.

Shri P.G. Gavai was the Lt. Governor of Delhi till 2-11-84. In his explanation Shri Gavai has stated that at about 9.30 a.m. on 31-10-84 he got a cryptic message that there was firing at the Prime Minister's house. He met Shri Fotedar and Shri Tripathi and then they went to the Prime Minister's house. Dr. P.C. Alexander was in Bombay and therefore he sent a message to him to come back to Delhi urgently. He had also sent a similar message to Shri Krishnaswamy Roasaheb who was the Cabinet Secretary. The Prime Minister's death was officially announced at 5.00 p.m. So he went to All India Institute of Medical Sciences and from there went to Prime Minister's house. At about 9.00 p.m. he met Shri Rajiv Gandhi. After making necessary arrangements for the body of Smt. Indira Gandhi he left at about 10.00 p.m. At about 11.00 p.m. he received a message that that there was arson in South Extension area. He personally went to that place and arranged for fire fighters. After the things became quiet he went back to his home at about 2.00 p.m.

On 1-11-84 at about 7.30 a.m., he went to the Prime Minister's house. There he met the Commissioner of Police and told him that army will have to be called. The Police Commissioner confirmed that he took that suggestion as the order of the Lt. Governor to call the army. While he was till in the compound of Prime Minister's

house a mob of about 40 persons was seen coming towards the Prime Minister's house. It was shouting slogans like "Khoon Ka Badla Khoon". He, therefore, told the Commissioner that trouble had already started and that it was likely to ignite in a major way and that he should immediately take action in deploying the police in sufficient number at apprehended trouble spots. He went back at about 10.00 a.m. Thereafter he contacted the Cabinet Secretary and the Home Secretary and discussed with them the urgent need of deployment of more police on a high alert basis and to get the police force augmented as the Delhi Police force was not adequate. He also told those two officers that army should be called. They also agreed with him. At 11 O'clock he went to the office of Dr. P.C. Alexander to attend an urgent meeting. Dr. P.C. Alexander presided over the meeting. Besides himself, it was attended by the Home Minister Shri Rao, Home Secretary, General Vaidya and some other officers. In that meeting also he said that the Delhi Police force was understaffed and it was required to be reinforced by urgent augmentation and also about the need for calling the army without waiting even for a moment. Everyone present in the meeting agreed with him. Dr. P. Alexander suggested that the Police Commissioner and the Army authorities should meet in the Police Commissioner's Office at 5.00 p.m. He returned home at about 12.30 p.m. By about 2.00 p.m. he received a call from Maj. Gen. Jamwal saying that he wanted to see him immediately. He had told him that he should start acting rather than wasting precious time by driving to his house. Maj. Gen. Jamwal insisted that the matter was very urgent and he wanted to meet him. Shri Jamwal informed him that he would not like to meet the Police Commissioner. He also said that he did not have sufficient force but could arrange a flag march only in the adjacent area of Connaught Place. When he told Mr. Jamwal that the flag march must take place in troubled areas he went away little dejected. He attended the meeting with the Prime Minister at 6 p.m. Shri Rajiv Gandhi, Mr. Tandon, and Mr. Fotedar were present. The meeting was in respect of malfunctioning of Telephone No.100. Shri Rajiv Gandhi was very disturbed. The Director of Telephone was, therefore, instructed to attend to Telephone No.100 at once. During the night he had received a call from the Home Minister for some urgent help to someone in distress. He had taken necessary action.

On 2-11-84 he issued a peace appeal in the morning and then went on a tour of the affected areas, like Trilokpuri, Nandnagri, Magolpuri and Shahdara. He was accompanied by Shri H.K.L. Bhagat. He toured the affected areas for about two and a half hours and gave certain spot instructions. He also spoke to Gen. Vaidya about some sluggishness of the armed forces in getting out of their vehicles. While he was still in the midst of his tour, he got a message to reach the Prime Minister's house. There, besides the Prime Minister, Shri Jagdish Tytler and Shri Daram Dass Shastri were present. On his suggestion, the Prime Minister requested the others to go out and then he had a talk with the Prime Minister for about 20 minutes. He was given hint that he was no more required to function as Lt. Governor. In spite of that after returning home he arranged a meeting of the political parties. While the meeting was going on he received a telephone call from Dr. P.C. Alexander asking him to go on leave. He was also told that he would be offered the post of Chairman of the Union Public Service Commission, on resumption. He told Dr. Alexander that a Lt. Governor in this situation would not go on leave "either he functions or he resigns." On 3-11-84 he left Delhi.

He has denied that he had failed to anticipate violence and delayed calling the Army. He has also denied that there was delay in issuing shoot at sight orders and that he was a party to the grand design to teach a lesson to Sikhs. He has also stated that he had told Justice Mishra Commission all that he has stated in his explanation. He has also stated that he has been quoted out of the context or misquoted in the report of the Justice Mishra Commission and a number of items of information given by him like the important meeting with Dr. Alexander are

not even referred to in the report. He has denied that he had told Justice Mishra Commission that he had asked for Prime Minister's interview and that he had said something to justify violence. He has further stated that he resigned owning moral responsibility.

In reply to the queries raised by the Commission, Dr. P.C. Alexander has sent a note on the explanation given by Shri P.G. Gavai. Therein he has stated that he had not called any meeting in his office on 31-10-84. He had not received any proposal from the Lt. Governor about calling in the Army. If the Lt. Governor wished to call the army to assist the police, he did not have to take the Prime Minister's permission or to seek his intervention. The Lt. Governor could have himself taken action and if there was any problem he could have taken up the matter with the Home Ministry. He has also stated that it would have been against the norms and convention of protocol to call the Home Minister to attend a meeting in his office and for him to preside over such a meeting. He has also denied that he had ruled that the Police Commissioner and the Army authorities should meet in Police Commissioner's Office at 5.00 p.m. He has stated that on 1-11-84 right from 8 O'clock in the morning till about 1.30 p.m. he was at Teen Murti house. For a short time at about 1.30 p.m., he had gone to the Prime Minister's house alongwith Cabinet Secretary Shri Krishnaswamy Rao Sahib to recommend to him that army should be called. He has said that at that time they had informed Shri Rajiv Gandhi about the tense situation within the premises of Teen Murti House because of the frenzy of huge crowds which had gathered there. They had also informed him that the Delhi Administration was very ineffective in handling the riots and therefore army should be called. Shri Rajiv Gandhi had agreed with their recommendation. As regards removal of Shri P.G. Gavai he has stated that the said decision was of the Prime Minister himself. He has stated that he does not recall telephoning Shri Gavai to proceed on leave or assuring him that he would be offered the post of Chairman, Union Public Service Commission. He has stated that the Prime Minister Shri Rajiv Gandhi was very unhappy at the way the Delhi Administration was handling the situation of violence and the riots in the city. In reply to the questions raised by the Commission, he has stated that the Prime Minister took the decision of calling in the army at 1.30 p.m. on 1-11-84. However, the Army Chief was already alerted both by the Prime Minister and the Cabinet Secretary to keep the army contingents in readiness so that they could move in quickly. The direction to call in the army was given to himself and the Cabinet Secretary at 1.30p.m. on 1-11-84. The army contingent which was assigned the task of dealing with law and order situation at the Teen Murti premises reached there at about 3.00 p.m. on 1-11-84. He had no knowledge about the exact time when other contingents reached the affected areas in East and West Delhi. He has stated that probably they had reached there more or less at the same time.

Shri Nikhil Kumar was the Additional Commissioner of Police till 8-10-84. He was on joining time-cum-leave to join his duties at Mizoram. He had come to Delhi from Patna to pay homage to the late Prime Minister. The Commissioner of Police on coming to know about his presence in Delhi and requested him to assist him in attending to the telephones in the office of the Commissioner of Police. He had attended to the work from the afternoon of 2-11-84. he was not posted with the Delhi Police at that time.

Shri P.V. Narasimha Rao has stated that on 31-10-1984 he was at Hanamkonda in Anadhra Pradesh. After receiving the message that Prime Minister Smt. Indira Gandhi has been shot, he returned to Delhi at about 4:40 p.m. He went to All India Institute of Medical Sciences hospital and has a discussion with other leaders. A decision was taken to swear Rajiv Gandhi as Prime Minister emerged. Then he went to the place where the Congress Parliamentary Board was meeting and completed the necessary formalities for making Rajiv Gandhi as

Prime Minister. From that place he proceeded to Rashtrapati Bhawan where swearing in took place. Thereafter, the first meeting of the new Cabinet was held. At that meeting the Cabinet Secretary, Dr. Alexander, the Home Secretary, Lt. Governor of Delhi, Commissioner of Police and one Army Officer were present. There was discussion regarding the date of the funeral and keeping the body at Teen Murti in state and possible happenings in the wake of assassination of Smt. Indira Gandhi. Cabinet gave general clearance to the steps that would need to be taken including imposition of curfew, deployment of police personnel and also using army units in whatever manner it was required. On 01-11-84, he had issued a public appeal to maintain peace. On that day he remained in touch with the Home Secretary, Lt. Governor and Commissioner of Police. As regards the steps to be taken urgently, suggestions received from the delegations were accepted and sent to the Commissioner of Police and Lt. Governor. Whenever suggestions were received from the delegation, they were duly sent to the Commissioner with the necessary instructions. Shri Rajiv Gandhi had taken a round of the affected areas on the night of 01-11-98. He had also visited relief camps where the affected persons were taken. He had given on the spot instructions for providing various facilities in the camp. He has denied that at any point of time he was indifferent or that there was any callousness on his part. He has stated that he had remained in touch with the authorities continuously. He has further stated that Minister of External Affairs was absent and therefore he had to help in receiving foreign dignitaries at Teen Murti House.

In this further reply dated 27-08-2004 he has stated that the allegations made against him in the written submissions of Delhi Sikh Gurdwara Management Committee are baseless and there is no iota of truth therein. He has denied the allegations that he was spending much of his time in making arrangements for foreign dignitaries rather than ensuring the maintenance of law and order. He has stated that whenever some suggestions were received he had immediately given necessary instructions to the Home Secretary and the other persons in authority. He has stated that Shri Patwant Singh and others had met him. As regards the allegation that Shri Patwant Singh and others did not find any hustle and bustle in his residence. He has stated that the entire staff was busy in tackling maintenance of law and order and that he did not want the officers to waste their time at his residence. He had told Shri Patwant Singh and his delegation that he was well informed about the happenings in Delhi and that army was to be deployed by that evening. He denied that he was not aware of the details that he had spent much time in receiving foreign dignitaries. He has described Shri Ram Jethmalani's impression that he was indifferent to all the suggestions made by him as wrong. He has stated that as he was concerned with the law and order situation he had spent time with them and listened to them. Shri Ram Jethmalani had not noticed any officer there because they were busy in their own work entrusted by him for maintenance of law and order. He says that he was feeling concerned about what was happening. He had told Shri Ram Jethmalani that he would take adequate steps. He has further stated that at that stage there was no time to while away in making tall talks and exhibiting his reactions. When he was contacted by Shri Atal Bihari Vajpayee and Shri L.K. Advani, he had told them that he was looking into the matter. He denied that the Chief of the Army Staff on his own took the initiative to keep the troops available and called brigades from Meerut and the Home Ministry did not make any effort at all or make any arrangements to protect the life of the citizens. He has further stated that the Home Minister was not competent to call the troops. From where the troops should be called is a decision within the exclusive domain of the Chief of the Army Staff under the Ministry of Defence. He has denied the allegation that he did not take any steps either to apprehend the culprits or to talk to the President of India and that the inaction of

the part of Home Ministry to nab the culprits was a part of the conspiracy and was done with a view to convey a clear message to the desperados and the Congress workers and criminals that the Government will not take any action if the Sikhs are assassinated and stated that is false and frivolous. He has further stated that unless it is urgently required, the Commissioner of Police does not receive instructions directly from the Home Minister. There are several other persons to take instructions and convey the same to the Commissioner of Police. He has denied the allegation that he was totally not concerned about the killing of innocent citizens and stated that it is false. Dealing what Shri Ramvilas Paswant has said he has stated that he was in fact busy in an important meeting and to say that he was avoiding meeting Shri Paswan is not correct.

He has also stated that as the incident took place in the year 1984, it was impossible for him in 2004 to give specific time date and other materials in support of what he has said. He had visited relief camps and that was more important than visiting the places where untoward incidents had taken place. He has also stated that nobody had earlier made any grievance as regards the role played by him and the allegations which are now made after 20 years are really by way of an after thought and made ulterior reasons. As regards the suggestions made by Shri Ram Jethmalani, he has stated that they were required to be carried. He had not thought it fit to give instructions immediately for the purpose of showing or exhibiting his concern. He has stated that he believes in work and not in hustle and bustle and meetings which are non-productive and do not yield any result. He has denied the allegation that his approach was casual and it was not only gross negligence on his part but a connivance with perpetrators of this heinous crime and stated that it is false. He has also denied the allegations that the law was not allowed to take its own course. He has also denied that he had told that Shri Gujral and Shri Patwant Singh that he was required to spend much time in receiving foreign dignitaries and making arrangements for them. He has stated that in presence of Shri Gujral and Shri Madhu Dandawade he had given instructions to carry relief measures to the victims. He has denied that he had avoided meeting Shri Paswan. He has denied the allegations made by Major J.S. Jamwal (Retd.). He has stated that he was fully concerned with the situations and he had taken all positive steps to curb the violence, restore peace and to help the victims affected due to riots. He further stated that if Shri Aurora's statement is true then he would not have remained silent till the year 2002. In his last reply dated 23.11.2004, he has stated that he had remained in constant touch with all persons in charge of law and order and given instructions to them as and when that had become necessary. He has stated that he had given instructions to deploy police force and to deploy army to curb any kind of violence.

On consideration of their explanations, the Commission is of the view that there was no delay or indifference at the level of the Home Minister. Though some prominent members who had met him during those days carried an impression that the Home Ministers was not that much responsive and sensitive as demanded by the situation, it appears that they carried that impression because of the style of functioning of the Home Minister. He appears to have kept himself informed about the developments in Delhi and had taken appropriate decisions and given necessary instructions in time. So far as the Lieutenant Governor Shri P.G. Gaval is concerned, it has to be stated that the explanation given by him is not satisfactory and does not convince the Commission is recording the finding that there was not lapse at his level. Though he does not appear to have delayed taking-of required actions, it does appear to the Commission that he did not give as much importance to the law and order situation in Delhi as the situation demanded. He was the person responsible for the maintenance of law and order



in Delhi and therefore, he cannot escape the responsibility for its failure. Mr. S.C. Tandon was the Commissioner of Police and was directly responsible for the maintenance of law and order in Delhi. It is no explanation to say that he was not properly informed by his subordinates. It was his duty and responsibility to remain aware of what was going on Delhi during those days and to take prompt and effective steps. He should have known that the policemen on the spot were ineffective and in spite of curfew mobs indulging in violence were moving freely and were committing acts of looting and killing also freely. He ought to have taken strict action against the defaulting officers immediately and ought to have given directions to be more strict with the crowds. There was a colossal failure of maintenance of law and order and as the head of the Police Force, he has to be held responsible for the failure. The course of events do disclose that the attitude of the police force was callous and that he did not remain properly informed about what was happening in the city.

## **I. OVERALL CONSIDERATION**

The events leading to the assassination of Smt. Indira Gandhi show that it was not an unconnected event. There was progressive deterioration in the situation in Punjab since 1981. Violent activities of the extremists elements in Punjab had increased. Many Hindus were killed by the Sikh Extremists. Manoeuvrings by the political parties during this period to gain political advantages and exploitation of the tension had led to a smouldering resentment against the Sikh Community. Probably, there was a desire on the part of some persons to teach a lesson to the Sikhs. The assassination of Smt. Indira Gandhi by her two Sikh security guards appears to have triggered the massive onslaught on the lives and properties of Sikhs in Delhi.

Smt. Indira Gandhi was a popular leader. She was the Prime Minister of India. It was, therefore, not unusual that on coming to know about her assassination by her Sikh security men, the people reacted angrily. The first sign of such public resentment resulting in an angry outburst in Delhi was at about 2:30 p.m. on 31/10/1984, when the public suspected that Smt. Indira Gandhi had succumbed to her injuries and started assaulting passersby Sikhs. It was again noticed at about 5:00 p.m., when the cars in the entourage of President Giani Zail Singh were stoned at AIIMS. Soon after the death of Smt. Indira Gandhi was announced on All India Radio, crowds had gathered in several parts of Delhi and become violent. The Sikhs were beaten and their vehicles were burnt. Till then, the attacks were made by persons who had collected on the roads to know what had happened and what was happening. They were stray incidents and the attacks were not at all organized. The mobs till then were not armed with weapons or inflammable materials. With whatever that became handy, they manhandled Sikhs and burnt their vehicles. There were stray incidents of damaging houses or shops of the Sikhs. From the morning of 01/11/1984, the nature and intensity of the attacks changed. After about 10:00 a.m., on that day slogans like "Khoon-Ka-Badla-Khoon Se Lenge" were raised by the mobs. Rumours were circulated which had the effect of inciting people against the Sikhs and prompt them to take revenge. There is evidence to show that at some places, the mobs indulging in violent attacks had come in DTC buses or vehicles. They either came armed with weapons and inflammable materials like kerosene, petrol and some white powder or were supplied with such materials soon after they were taken to the localities where the Sikhs were to be attacked. There is also evidence on record to show that on 31/10/1984, either meetings were held or the persons who could organize attacks were contacted and were given instructions to kill Sikhs and loot their houses and shops. The attacks were made in a systematic manner and without much fear of the police ; almost suggesting that they were assured that they would not be harmed while committing those acts and even thereafter. Male members of the Sikh Community were

taken out of their houses. They were beaten first and then burnt alive in a systematic manner. In some cases, tyres were put around the necks and then they were set on fire by pouring kerosene or petrol over them. In some case, white inflammable powder was thrown on them which immediately caught fire thereafter. This was a common pattern which was followed by the big mobs which had played havoc in certain areas. The shops were identified, looted and then burnt. Thus, what had initially started, as an angry outburst became an organized carnage. The cause for the events which had happened on 31/10/1984 can be stated to be the spontaneous reaction and anger of the public because their popular leader and the prime Minister of the Country was killed. The cause for the attacks on Sikhs from 01/11/1984 had not remained the same. Taking advantage of the anger of the public, other forces had moved in to exploit the situation. Large number of affidavits indicate that local Congress (I) leaders and workers had either incited or helped the mobs in attacking the Sikhs. But for the backing and help of influential and resourceful persons, killing of the Sikhs so swiftly and in large numbers could not have happened. In many places, the riotous mobs consisted of outsiders, though there is evidence to show that in certain areas like Sultanpuri, Yamunapuri, where there are large cluster of Jhuggis and Jhoparis, local persons were also seen in the mobs. Outsiders in large numbers could not have been brought by ordinary persons from the public. Bringing them from outside required an organized effort. Supplying them with weapons and inflammable material also required an organized effort. There is evidence to show that outsiders were shown the houses of the Sikhs. Obviously, it would have been difficult for them to find out the houses and shops of Sikhs so quickly and easily. There is also evidence to show that in a systematic manner, the Sikhs who were found to have collected wither at Gurdwara or at some place in their localities for collectively defending themselves were either persuaded or forced to go inside of their houses. There is enough material on record to show that at many places, the police had taken away their arms or other articles with which they could have defended themselves against the attacks by mobs. After they were persuaded to go inside their houses on assurances that they would be well-protected, attacks on them had started. All this could not have happened if it was merely a spontaneous reaction of the angry public. The systematic manner in which the Sikhs were thus killed indicate that the attacks on them were organized. It appears that from 01/11/1984, another 'cause of exploitation of the situation' had joined the initial 'cause of anger'. The exploitation of the situation was by the anti-social elements. The poorer section of society who are deprived of enjoyment of better things in life saw an opportunity of looting such things without the fear of being punished for the same. The criminals got an opportunity to show their might and increase their hold. The exploitation of the situation was also by the local political leaders for their political and personal gains like increasing the clout by showing their importance, popularity and hold over the masses. Lack of the fear of the Police Force was also one of the causes for the happening of so many incidents within those 3 or 4 days. If the police had taken prompt and effective steps, very probably, so many lives would not have been lost and so many properties would not have been looted, destroyed or burnt.

As the attacks on Sikhs appear to the Commission as organized, an attempt was made to see who were responsible for organizing the same. Some of the affidavits filed before the Commission generally state that the Congress Leaders/Workers were behind these riots. In Part-III of this report, the Commission has referred to some of the incidents wherein some named Congress(I) Leaders/Workers had taken part. No other person or organization apart from anti-social elements to some extent, is alleged to have taken part in those incidents. Smt. Indira Gandhi was a Congress (I) Leader. The slogans which were raised during the riots also indicate that some of the persons who constituted the mobs were Congress (I) workers or sympathizers. It was suggested that Shri

Rajiv Gandhi had told one of his officials that Sikhs should be taught a lesson. The evidence in this behalf is very vague. It is also not believable that Shri Rajiv Gandhi would have started so to an official assuming that some conversation took place between him and that official. It does not become clear that in respect of which subject the conversation had taken place and in which context Shri Rajiv Gandhi is stated to have said, "Yes, we must teach them a lesson". The evidence on the other hand suggest that Shri Rajiv Gandhi had showed much concern about what was happening in Delhi. He had issued an appeal for remaining calm and maintaining communal harmony. In view of the complaints received by him, that people were not able to contact the police on Telephone No.-100, he had immediately called some police officers and told them to take immediate action so that anyone who wanted to contact the police could so. He had even visited the affected areas on the night of 01/11/1984. There is absolutely no evidence suggesting that Shri Rajiv Gandhi or any other high ranking Congress (I) Leader had suggested or organized attacks on Sikhs. Whatever acts were done, were done by the local Congress (I) leaders and workers, and they appear to have done so for their personal political reasons. If they were the acts of individuals only, then the killing of Sikhs and looting of properties of Sikhs would not have been on such a large scale. Therefore, what those local leaders appear to have done is to take help of their followers and supporters in inciting or committing those acts. However, for the reasons already stated earlier, the Commission is not in a position to recommend any action against them except to the extent indicated earlier while assessing the evidence against them.

As regards, the role of police officers, the Commission examined voluminous evidence consisting of registers maintained at the Police Stations, Movement Charts of the Station House Officers and other policemen during the days of riots, the daily diaries and the First Information Reports. This exercise has consumed much time of the Commission. However, with the help of the parties and lawyers appearing before the Commission, it was possible to examine this record closely. After close scrutiny of all these material, the Commission agrees with the findings recorded earlier by Justice Mishra Commission and by the Committees, which had looked into their conduct. The Commission has nothing further to add and therefore, does not think it necessary to burden this report by referring to the evidence and instances which go to show that either, they were negligent in performance of their duties or that they had directly or indirectly helped the mobs in their violent attacks on the Sikhs. As appropriate actions were initiated against them, the Commission has thought it fit not to recommend any further actions against them. However, the Commission would like to emphasize that as a result of not recording separate FIRs, not recording statements of witnesses as stated by them and not investigating the cases properly, it has now become difficult for the Commission to make any recommendation against many of the persons, who have been named by the witnesses as the persons who had indulged in violent acts against them or their family members or had facilitated the same.

The Commission also agrees with the findings recorded by Justice Mishra Commission as regards the delay in calling the army. Therefore, in this respect also, the Commission is not inclined to refer to all the evidence and record its own findings so as not to burden this report unnecessarily. The Commission also agrees with the recommendations made by Justice Mishra Commission for preventing happening of such events again. The Commission would, however, like to recommend that such riots are kept under check and control and there should be an independent police force which is free from the political influence and which is well-equipped to stake immediate and effective action. It is also necessary and therefore, the Commission recommends that if riots takes

place on a big scale and if police is not able to register every offence separately at the time when they are reported, the Government should thereafter at the earliest take steps to see that all complaints are properly recorded and that, they are investigated by independent Investigation Officers. Only if such an action is taken by the Government, people would feel that law is allowed to take its own course and the guilty would be punished properly. The Commission also recommends that the government of India and the State Governments should see that all the affected persons throughout the Country are paid adequate compensation on an uniform basis. It appears that in some states, the High Courts have directed payment of higher compensation of Rs. 3,50,000/- for the loss of life to the dependents of persons killed and those states have paid the compensation accordingly. But in some states, smaller amounts have been paid. It has also been brought to the notice of the Commission that as a result thereof, the dependents have been required to file writ petitions individually in High Courts to get such relief and those petitions have remained pending for a longtime. The Commission, therefore, recommends that the Government of India should take steps to see that all of them are paid compensation uniformly at an early date. The Commission also recommends by way of rehabilitation of badly affected families, that the Government should consider providing employment to one members of that family if that family has lost all its earning male members and it has no other sufficient means of livelihood.

In the end, the Commission records its appreciation for the assistance rendered by Shri K.K. Sud – Additional Solicitor General, Shri H.S. Phoolka and Shri S.S. Gandhi – Senior Advocates, to the Commission in conducting this Inquiry. The Commission also records its appreciation for the assistance rendered by the Staff.

**(G.T. NANAVATI)**

**CHAIRMAN**

**JUSTICE NANAVATI COMMISSION OF INQUIRY**

**1984 ANTI-SIKH RIOTS**

New Delhi

Dated : 09/02/2005

# WHO ARE THE GUILTY

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## A B R I E F

Report of a Joint Inquiry into the Causes and Impact of the Riots in Delhi from 31 October to 10 November.

In terms of sheer impact, this is arguably the greatest report brought out by an NGO anywhere in the country. A lot of that impact is because of the timing of its release. The small booklet was brought out within a month of the November 1984 holocaust. The findings of two leading human rights organisations, People's Union for Democratic Rights (PUDR) and People's Union for Civil Liberties (PUCL) were on the lips of everybody. The booklet created an instant buzz because it came out when the country was amidst an election under the shadow of Indira Gandhi's assassination and the subsequent massacre of Sikhs in Delhi.

The Opposition parties seized on it because the booklet contained a list of 16 Congress members identified by survivors as having "instigated violence and/or protected alleged criminals." The list included three leaders who were fielded as Congress candidates in the December 1984 election: H.K.L. Bhagat, Jagdish Tytler and Lalit Maken. Not surprisingly, the Congress party reacted adversely to the whole report and called it "the black book" as its cover was anyway all black. The Congress party also expressed fears that the report provided Sikh militants with a hit-list. Whether that was indeed the case or not, two of the leaders listed in the report were subsequently shot dead in the summer of 1985: Arjun Dass and Lalit Maken.

The chief merit of the report lay in the fact that it was the first attempt by anybody to make a comprehensive study of the violence that raged in the Capital. Given the speed with which the report was put together, it did inevitably make some factual mistakes. Take, for instance, the list it gave of 13 police officials "allegedly responsible for negligence of duty and/or abetment of/ participation in violence." The SHO of Kalyanpuri police station figures in the list because Trilokpuri, the locality which saw the worst massacre in the whole of Delhi, falls in his jurisdiction. But then the list also makes a separate mention of "SHO in Trilokpuri." Survir Singh Tyagi is referred to as "Survir Singh" in the entry pertaining to the SHO of Kalyanpuri and simply as "Tyagi" in the entry specifying Trilokpuri, inadvertently making two persons out of one.

But such confusion over minor details does not in the least detract from the larger findings of "Who are the Guilty?": that the violence was organised, that Congress (I) leaders were seen leading mobs, that the police and administration displayed a callous lack of concern at the happenings in the Capital, that there was a deliberate delay in deploying the Army.

On the strength of this report, PUDR subsequently moved the Delhi high court seeking a direction to the Government to set up a judicial inquiry into the massacre. But the high court turned down the prayer on the technicality that it was entirely up to the executive to decide whether an inquiry should be ordered or not. In retrospect, the narrow view taken by the high court in the face of thousands of killings seems outdated given the forays otherwise made by the judiciary in the realm of executive policy for far lesser reasons. The courage displayed by PUDR and PUCL in bringing out this report in the most adverse of circumstances still stands out as a fine example of civil society's resistance to state sponsored violence.

## INTRODUCTION

A fact-finding team jointly by the People's Union after Democratic Rights (PUDR) and People's Union for Civil Liberties (PUCL) in the course of investigations from November 1 to November 10, has come to the conclusion that the attacks on members of the Sikh Community in Delhi and its suburbs during the period, far from being a



spontaneous expression of “madness” and of popular “grief and anger” at Mrs. Gandhi’s assassination as made out to be by the authorities, were the outcome of a well-organised plan marked by acts of both deliberate commissions and omissions by important politicians of the Congress (I) at the top and by authorities in the administration. Although there was indeed popular shock, grief and anger, the violence that followed was the handiwork of a determined group which was inspired by different sentiments altogether.

Experiences of individual members of the team as well as their extensive interviews with the (i) victims of the riots; (ii) police officers who were expected to suppress the riots; (iii) neighbours of the victims who tried to protect them; (iv) army personnel; and (v) political leaders, suggest that the attacks on the Sikhs followed a common pattern, whether they took place in Munirka in the south, or Mangolpuri in the West, or Trilokpuri in the East. The uniformity in the sequence of events at every spot in such far-flung places proves beyond doubt that the attacks were master-minded by some powerful organised groups. As a senior army officer deployed in Delhi during the recent riots said: “This arson is the work of an expert”. Newspaper reports suggest that this pattern is similar in all Congress (I) ruled states.

There was also a definite pattern discernible in the choice of the victims made by the assailants. According to the 1971 census figures Sikh males in the age group 20-50 number approximately, 100,000. The Sikhs who were killed in the recent riots largely belonged to this age group. The official estimate of only 325 killed (including 46 Hindus) till November 7 (HINDUSTAN TIMES, November 11) sound ridiculously low compared to the magnitude of arson, lynching and burning alive of people in the resettlement colonies alone. On the basis of information gathered from various sources, including eye-witnesses, survivors and relatives of the dead, the team estimates that the number of those killed of more than a thousand.

From our talks with the victims and their neighbours in almost every riot hit spot, we could reconstruct the sequence of events, which followed a stereotyped pattern everywhere. The first phase was marked by the floating of a set of rumours on the evening of October 31, following the announcement of Mrs. Gandhi’s death. The rumours were three. First, Sikhs were distributing sweets and lighting lamps to celebrate Mrs. Gandhi’s death. (Later during our investigations when we asked the residents of the effected localities whether anyone from among them had actually seen such things, almost everyone admitted that they had not personally witnessed it, but had heard from someone else. We did however come across a few people who while expressing revulsion at the incidents of assaults on the Sikhs, added that they had seen in some places some Sikhs expressing their glee at Mrs. Gandhi’s death by demonstrative gestures. We have report is that some isolated groups of non Sikhs also exhibited similar behaviour. From the information that we have gathered from various sources, our impression is that such cases were few and isolated). The second rumour was that train-loads of hundreds of Hindu dead bodies had arrived at Old Delhi Station From Punjab. Third, water was poisoned by the Sikhs. As for the two latter rumours, we came across evidence of policemen in vans touring certain localities and announcing through loudspeakers the arrival of the train and the poisoning of water. In certain areas, we heard that police officials had rung up residents advising them not to drink water. These rumours (the last two were officially repudiated later) contributed to the shaping of a public mind that acquiesced in the attacks and murders that took place soon after.

The second phase began with the arrival of groups of armed young people in tempo-vans, scooters, motorcycles or trucks from the night of October 31 and morning of November 1 at various places like Munirka, Saket, South

Extension, Lajpat Nagar, Bhogal, Jangpura and Asharm in the south and south-east; the Connaught Circus shopping area in the centre and later the trans - Jamuna colonies and resettlement colonies in other areas in the north. With cans of petrol they went round the localities and systematically set fire to Sikh houses, shops and gurudwaras. We were told by the local eye-witnesses in all the areas we visited, that well known Congress (I) leaders and workers (their names are to found in Annexure –I) led and directed the arsonists and the local cadres of the Congress (I) identified the Sikh houses and shops. A senior police official who for understandable reasons does not want to be named, pointed out: "The shop signs are either in Hindi or English. How do you expect the illiterate arsonists to know whether these shops belongs to Hindus or Sikhs, unless they were identified to them by some one, who is either educated or a local person ?" In some areas, like Trilokpuri, Manglopuri and the trans – Jamuna colonies, the arsonists consisted to Gujjar or Jat farmers from neighbouring villages, and were accompanied by local residents, some of whom again were Congress (I) activities. In these areas, we were told, Congress (I) followers of the Bhangi caste (belonging to the scheduled caste community) took part in the looting. In South Delhi, buses of the Delhi Transport Corporation (DTC) were used by the miscreants to move from place to place in their murderous journey. How could the DTC allow its buses to be used by criminals ?

The attacks in the resettlement colonies (e.g. Trilokpuri in the trans-Jamuna area and mangolpuri in the west, where the maximum number of murders took place, again displayed in same pattern. The targets were primarily young Sikhs. They were dragged out, beaten up and then burnt alive. While old men, women and children were generally allowed to escape, their houses were set on fire after looting of valuables. Documents pertaining to their legal possession of the houses were also burnt. In some areas of Mangolpuri we heard from the survivors that even children were not spared. We also came across reports of gang-rape of women. The orgy of destruction embraced a variety of property ranging from shops, factories, houses to gurudwaras and schools belonging to the Sikhs. In all the effected spots, a calculated attempt to terrorize the people was evident in the common tendency among the assailants to burn alive the Sikhs on public roads. Even five days after the incidents, on November 6, in the course of one of our regular visits to Mangolpuri we found that although the ashes had been cleared, the pavement in front of the Congress (I) office was still blotched with burnt patches, which the local people had earlier pointed out to us as spots where four Sikhs were burnt alive.

## SOCIO-ECONOMIC COMPOSITION OF THE ASSAILANTS

The team members on the basis of extensive interviews in different parts of the city were able to piece together the characteristics of the mobs that were responsible for the looting, arson and killings.

In some cases the mobs were brought from outside the locality (where they were set loose by local political leaders) and Jats and Gujjars from neighbouring villages. They were transported in vehicles. A large number of Scheduled Castes people were also a part of the mob.

More important; in the areas which were most affected, such as Trilokpuri Mangolpuri and Sultanpuri, the mobs were led by local Congress (I) politicians and hoodlums of that locality. These areas, it will be recalled, were set up in the urban resettlement drive initiated by the Congress (I), and have since been active support bases of the Congress (I). These areas have also in the recent past provided the Congress (I) rallies in the city substantial numerical support. In other words, there exists in such areas an established organisational network through which messes are

mobilised for demonstration of Congress (I)'s ostensible popular support. A veteran politician based in Delhi put it very crisply when he said that these resettlement colonies "are the kept (rakhel) of the Congress (I)"

The participation of the Jats and Gujjars from the so-called "urban villages" of Delhi played a very strong role in adding to the numbers of rioters and in adding the riots, murders and lootig. They were particularly dominant in West and South Delhi. Most of these villagers who once owned land in Ber Sarai, Munirka, and Mohammadpur, for instance made a tidy sum of money after their land was taken away for the urban expansion of New Delhi. The land owned by these villagers was generally of a very poor quality with no irrigational facilities. For this reason the villagers in these areas had to augment their resources through non-agricultural means, not least of them being brigandage. After their lands were acquired by the government they suddenly became prosperous and began to exert themselves politically as well. It is a known fact that if one is to make any headway in an election the Gujjars and Jats of these areas have to be on one's side. Unfortunately, much of the police force which is stationed in this area and around is drawn from these communities. For this reason, on various occasions there had been a noticeable complicity in these areas between the criminals and the police. This truth was brought home starkly during the recent riots.

As for the Scheduled Caste communities who were displaced due to the acquisition of land for urban expansion those from the Valmiki community utilised the benefits of the reservation policy and came into the city where they found jobs in the policies, UPSC, etc. the Bangis went into the Corporation, while the third-major group, the Dhanaks, 'considered the lowest caste, are engaged in a variety of odd jobs. Among the scheduled Caste communities living in the resettlement colonies, the Valmiki are pre-dominately supporters of Jagjivan Ram, while the Bhangis are solid supporters of Congress-I. Information gathered by us from the trouble xxxxxxxxx areas suggests that the Bhangis-many of them working as xxxxxxx corporation – comprised the bulk of the local miscreants xxxxxxx Sikhs.

A few words on the composition of Delhi's population may be relevant at this point. Hindus comprise 83 percent of Delhi's population. The present Sikh population is around 7.5. percent (an estimated 500,000 people). A majority of them settled in Delhi after the partition, before which their population was only 1.2 percent of the total population of the city.

## ROLE OF POLICE

All through the period from October 31 to November 4, the height of the riots the police all over the city uniformly betrayed a common behavioral pattern, marked by (i) total absence from the scene; or (ii) a role of passive spectators; or (iii) direct participation or abetment in the orgy of violence against the Sikhs. On November 1, when we toured the Lajpat Nagar area we found the police conspicuous by their absence while Sikh's shops were being set on fire and looted. Young people armed with swords, daggers, spears, steel trishuls, and iron rods were ruling the roads. The only sign of police presence was a police jeep, which obstructed a peace procession brought out by a few concerned citizens (who later organised themselves into the Nagarik Ekta Manch) on the evening of November 1. When the procession was on its way to the Lajpat Nagar main market, a police inspector from the van stopped the procession, warned it not to proceed reminding its numbers that the city was under curfew and Section 144. When leaders of the procession wanted to know from the police inspector why the arsonists and rioters were not being dispersed if curfew was on, he gave no reply and warned instead that the processionists could go to the Lajpat

Nagar marked at their own risk. At the Lajpat Nagar market, leaders of the procession sought to pacify the mob by pointing out that innocent Sikhs were not responsible for Mrs. Gandhi's assassination and should be protected from the attacks. They raised the slogan: "Hindu-Sikh bhai bhai." As the crowd began to listen to the speeches made by the procession leaders, organised attempts were made by certain groups from among them to shout down the speakers by raising the slogan: "Indra Gandhi Zindabad: "Hindu Hindu bhai bhai". It is significant that wherever we went, we did not find any sign of mourning or grief on the faces of those who were participating in the looting and burning. Attempts to pacify them by the peace marchers were met with derisive Laughter. Listening to their raucous exultation and looking at their gleeful faces, one would have thought it was a festival, but for the arson and loot that was going on.

In the resettlement colonies, the police came out from their passive role and directly participated in the violence against the Sikhs. We were told by survivors that at the first signs of tension those who felt threatened personally went to the nearby police stations to seek their intervention. But the police did not respond. In Trilokpuri, the police reportedly accompanied the arsonists and provided them with diesel from their jeeps. The Station House Officer (SHO) of Kalyanpuri police station under which Trilokpuri falls, withdrew the constables who were on duty there when Sikh girls were being raped. Much later, the higher authorities took action against the SHO and his two colleagues by suspending and arresting them for a criminal negligence of duties. In Sultanpuri, the SHO, one Bhatti, is alleged to have killed two Sikhs and helped the mob in disarming those Sikhs who tried to resist the mob.

Several residents of Loni Road in the trans-Jamuna area, who were camping at Shakarpur when we interviewed them on November 7, told us that the police announced on loudspeakers two or three times at night on November 1, that they would not be responsible for the safety of the Sikhs and that the latter must look after themselves. One woman from the same area said she had seen a police Jeep full of men and that the stoning of Sikh shops was conducted from the jeep.

Another resident from the same road said that the police had incited the looting of a watch shop before it was burnt.

In Kotla Mulbarakpur, a domestic worker told our team members that the police had encouraged the looting. Later, they were reported to have said to the looters; "We gave you 36 hours. Had we given the Sikhs that amount of time, they would have killed every Hindu".

In the Kingsway Camp, residents claimed that seventy percent of the loot was to be found in the police lines, suggesting that the police took a leading role in the plundering.

When after the destruction and murders, people went to complain and file FIR'S, the police in many areas refused to record their complaints, according to information gathered from the Hindi neighbours of the victims. A respected Sikh professional whose house was burned on 1st November was not able to register an F.I.R. despite all efforts. In Mangolpuri we were told, a police officer asked the Hindu complainants why they were protecting Sikhs and advised them to look after the safety of Hindu. Typical was the experience of Dharam Raj Pawar and Rajvir Pawar - two residents of Ber Saral – who on November 1, went to the Sector IV R. K. Puram police station to ask for protection of a Sikh family (which till then was being sheltered by Hindu neighbours from impending attacks by a

mob-led by a Congress-I man, Jagdiah Tokas). The officer in charge of the police station reportedly told them that he could not offer any help. Two constables later said to them;

"You being Jats should have killed those Sikhs. What are you doing here? Don't you know a train has -arrived from Punjab carrying bodies of massacred Hindus?"

A few individual police official who did try to Intervene and stop the riots found their efforts frustrated primarily through lack of cooperation from the top. One, senior officer told us that when on October 31 and November 1 he received reports about some 2000 to 3000 people moving around the city in scooters and motorcycles without helmets, he contacted the CID seeking information from them regarding the identity of these people. Till November 7, when we met him, he had not received any report from the CID.

While analysing the role of the police during tile crucial period we can not afford to ignore the responsibility of those in position of authority at the top, namely the Home Ministry. The Home Minister, Mr. Narasimha Rao, who was inducted in the new Cabinet by Prime Minister Rajiv Gandhi soon after Mrs. Gandhi's death, was empowered in his capacity as a Home Minister, to deploy the para-military forces (if the Delhi police force was found to be inadequate or inefficient) to quell the violence that erupted following the announcement of Mrs. Gandhi's death. Mr. Rao is not a new incumbent who is unaware of the procedural technicalities. We are left with the question: why did Mr. Rao, with his past experience as a Home Minister in the previous cabinet, fail to take the necessary steps and summon the forces available to him to nip in the bud the communal elements that organised the riots?

## ROLE OF THE ADMINISTRATION

Men at the top in the administration and the ruling party displayed repeatedly a curious lack of concern often bordering on deliberate negligence of duty and responsibility throughout the period of October 31 to November 4. From our talks with various Opposition Party leaders and prominent citizens we found that many among them had got in touch with senior Ministers as well as people in the Delhi Administration on October 31 itself, warning of impending troubles following the announcement of Mrs. Gandhi's assassination. The newly sworn-in Home Minister P. V. Narasimha Rao was said to have assured the BJP leader Atal Behari Vajpayee on October 31 evening that "everything would be brought under control within a couple of hours" (The Statesman, November 10, 1984). Yet, at the same time of the same day, Gautam Kaul, Additional Commissioner of Police in front of the All India Medical Institute, referring to the disturbances which were just breaking out, said; "We cannot deal with the situation of this nature". (INDIAN EXPRESS, November 1, 1984). Strangely enough, even after this, Mr. Kaul has been made Additional Commissioner, Security, In spite of such warnings given well in advance, those in positions of authority did not seem to bother to take any firm step. (See Annexure 3).

Soon after the assassination (October 31), we heard from a reliable source, a meeting was held at 1 Safdarjung Road, the Prime Minister's official residence where the then Lt. Governor P.G. Gavai, a Congress (I) leader M.L. Fotedar and the Police Commissioner among others, met. A senior police officer present at the meeting expressed the view that the army should be called as otherwise there would be a holocaust. No attention was paid to the view.

On November 1, when almost all of Delhi was aflame, an opposition MP rang up Mr. Shiv Shankar, a Minister in Rajiv Gandhi's new cabinet, and the Home Minister Narasimha Rao, to inform them about the situation in the city and the need for army action. The Ministers were reported to have assured him that army was about to be called and curfew would be imposed. (Several citizens including some senior government officials went to the President of India on the afternoon of November 1, and they were told that the Government was still considering whether to call out the army).

But our experience on November 1 tells a different story. As already mentioned earlier, till late night there were no signs of either curfew or army, while miscreants were on the rampage in front of the police. In the heart of the city - Connaught Circus - Sikh owned shops were being set on fire right under the nose of heavy para-military and police pickets. We later heard that the DC of Faridabad had asked for army on November 1, but troops arrived only on November 3.

On November 2, although the newspapers that day announced three official measures: (i) clamping of an indefinite curfew; (ii) shoot at sight orders; and (iii) deployment of army since 2 p.m. the previous day, when we went around South Delhi in the afternoon of November 2, we found that the miscreants were not only at large, but had swelled in numbers and had become more defiant.

In the Lajpat Nagar market, while police pickets sat by idly, hundred of young men, armed with awards, trishuls and iron rods, blocked the main road. Around 2 p.m. an army convoy passed through the road. The miscreants did not scamper or panic. They merely made way for the convey to pass by temporally retreating to the by lanes, and regrouped themselves as soon as the convey left and began intimidating a peace march that had arrived on the spot.

On the morning of November 2, 8.30 a.m. onwards two opposition M.P.'s repeatedly requested both Mr. Narasimha Rao and Shiv Shankar to provide army protection to trains carrying Sikh passengers arriving from Punjab. No troops were sent, with the result that every train was left at the mercy of gangsters who dragged out Sikhs from the incoming train compartments, lynched them, threw their bodies on the platform or the railway tracks and many were set on fire. Newspapers report that 43 persons were killed. This was denied by Doordarshan in the evening. Visiting the Tughlakabad station around 3.30 p.m. the STATESMAN reporter saw "two bodies still smouldering on the platform, right in front of the armed force standing on the opposite platform across the tracks". (November 3, 1984). The troops had either arrived after the incident, or the incident took place in front of the troops who did not intervene.

While analysing the role of the administration, we cannot remain content to blame the Delhi administration and the bureaucrats only. The Lt. Governor Mr. Gavai, who was in charge of administration of Delhi during the period under review and who has been replaced now, could not have acted on his own-whether they were acts of commission or omission. Both the Delhi administration and the Union Cabinet Ministers, including the Home Minister, were well-informed of the sequence of events beginning from the evening of October 11, (as evident from the report of communication between the Opposition leaders and the Cabinet Ministers as recorded earlier in this report). We are left wondering whether the Union Minister failed to direct the Lt. Governor to take action. Or, did the Ministers direct and the Lt. Governor refuse to obey by their directives? In that case, should not the Union Ministry punish the Lt. Governor? But we were merely told on November 4 that Mr. Gavai had "proceeded on leave" and Mr. M.K. Wali had taken over:



What in rigues us further in the appointment of Mr. Well as the Lt. Governor Mr. Wali was the Home Secretary before this new appointment.

The record of what happened in Delhi from October 31 to November 3 (the eve of Mr. Wali's appointment) is sufficient to prove the failure of the Home Ministry administrative machinery in suppressing riots. We wonder why the former Home Secretary, inspite of the proved failure of an administration of which he was a leading component, has been appointed the Ld. Governor. As evident from our review of official relief poperations. (Chapter-III), Mr. Wali's administration seems to continue the same policy of callousness and inefficiency towards the refuges as was demonstrated in the recent past towards the Sikih victims during the riots in Delhi.

## ROLE OF ARMY

Our enquiries made at various quarters ranging from the affected localities to army sources led us to two questions. First, why was there a delay in calling out the troops? Second, even when the army was called in, why were they not effective in imposing a curfew and curbing the violence ?

The authorities at the top, including the four Ministers and senior officials of the Delhi Administration were repeatedly Informed about the exact situation in the city and its outskirts from the evening of October 31<sup>st</sup>. Prominent citizens, VIPs and members of the Opposition parties and people from affected localities both phoned and personally went and informed these authorities. Yet during seven valuable hours, between the time of the assassination and the time of the news of the death was made public, no security measures were taken.

As a senior government servant put it there are standing instruction on dealing with such situation. The SP and DCs have powers under the Criminal Procedure Code (Sections 130-131) to call in the armed forces in aid to civil power. Further, the para-military troops, including the Delhi Armed Police, CRPF are always available for such a situation. According to our information one brigade was available at Delhi which could have been requisitioned immediately.

### WHO CAN CALL, IN THE ARMY ?

Section 130. ' Use of armed forces to disperse assembly. (1) If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Executive Magistrate of the highest rank who is present may cause it to be dispersed by the armed forces.

(2) Such Magistrate may require any officer In command of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under hia command, and to arrest and confine such persons forming part of It as the Magistrate may direct, or as it may be necessary to arrest and confine' in order to disperse the assembly or to have them punished according to law.

(3) Every such officer of the armed forces shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Section 131. Power of certain armed forces officers to disperse assembly. When the public security is manifestly endangered by any such assembly and no Executive Magistrate can be communicated with, any commissioned or gazetted officer of the armed forces under his command, may arrest and confine any person forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with an Executive Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate, as to whether he shall or shall not continue such action.

--The Code of Criminal Procedure. 1973

The troops were alerted on the afternoon of the 31<sup>st</sup>. This means that within a few hours brigades from Meerut and Agra could have arrived at Delhi by the night of the 31<sup>st</sup>. As senior army officers put it, it is not the numerical strength of troops that is the crucial factor for imposing curfew. The crucial factor is clarity of intent and firm and clear instructions.

Despite announcement in the papers, AIR and Doordarshan about shoot at sight orders and imposition of curfew the troops were left without specific information from the police on the exact locations of the riots. No joint control room was set up.

In contrast, only a few days later, the authorities did not find any difficulty in moving a Sill brigade of the Indian Army consisting of 3000 men and another 1000 personnel from the Navy and the Air Force to line up the route of Mrs. Gandhi's funeral.

The procedure to call in troops is simple. The Lt. Governor has to inform the Home Minister (Mr. Narasimha Rao) of the law and order situation and the latter informs the Defence Minister (the Prime Minister Rajiv Gandhi was holding this portfolio) who gets in touch with the Army to call in the troops.

An essential ingredient for successful joint army - civilian administration operation is the setting up of a joint control room. During 1947 riots, when Lord Mountbatten was requested by Jawaharlal Nehru to control the communal situation, the former set up a joint control room at Rashtrapati Bhavan in order to coordinate the efforts of the civil administration and the armed forces. This precedent was quoted to Narasimha Rao - by an elderly resident of Delhi, who is well-versed in army operations.

Yet from October 31 to November 4 (the peak period of the riots which according to old timers were reminiscent of the 1947 riots in Delhi) no effort was made to set up a joint control room. The Commissioner of Police was operating from his office at ITO Police headquarters. The Army area commander was at the Dhola Khan cantonment, and the Lt. Governor was at Raj Nivas. As a result, even after the deployment of troops, army people constantly complained about lack of information and cooperation from the police regarding the areas of tension. Even with the imposition of curfew, there were no authorities to implement it. An army major complained to a Delhi news reporter on November 4 that his men were not only getting no cooperation from the Shakarpur police station, but were often being deliberately misled by the police. The same reporter during a tour of the city of November 2, came across army personnel ranging from JCOs to majors, roaming around pathetically, after having lost touch either with headquarters or with their formations.

Army officers complained that they were not provided with scouts by the police to lead them to the trouble spots. In one instance a major who was asking for directions was carrying a map dated 1974, where the resettlement colonies (where the violence reached its peak during the period under survey) did not figure.

One army source told our team members that the deployment of troops followed a strange pattern. They were deployed by the civil authorities in stages, and in almost every case they were deployed after houses in the trouble spots had been burnt to cinders and the massacre was over. This explains the limited number of army figures (12) and casualties from army firings (2 deaths and 4 injured) during the entire period, (re: Major Gen. J.S. Jamwal's statement of November 7. Indian Express November 8) The deployment reached toll strength only after the 3,000 troops and vehicles reserved for the funeral were made available to curb the violence.

The entire nature of using the army as revealed from the above sequence of events compels us to suspect whether or not a deliberate design to keep the army ineffective even after it was called in – and that too following a long Interval daring which the arson, looting and massacre were allowed to continue sometimes with the direct connivance of the local police Force.

Whatever might have been the motive for such a curious manner of utilising the army and whoever might have been responsible for reducing it to in important observer, the effects of such a policy have been quite disastrous for the morale of the army. Every army person we talked to expressed angul over the way that the army's authority was being undermined. The 6<sup>th</sup> report of the National Police Commission has stated: "We note with concern the growing tendency on the part of the district authorities to seek instructions from higher quarters where none are necessary. " It appears that the civilian administrators in Delhi although armed adequately with powers under the law to use the army to supress disturbances, did not care to use those powers. The omission stands out in sharp contrast with their use of the army in coping with Hindu-Muslim riots or insurgency in the north-east.

The question that needs to be probed into is: why did the civil administration betray a set pattern of acts of omission, marked by a consistent failure to take steps against erring policemen and a stubborn refusal to deploy the army properly? Further an analysis of the role of the army during the period under survey leaves us with a few questions that need to be answered by the people in positions of authority. According to the procedure laid down under the law, the Lt. Governor can request the Home Minister who in turn can ask the Defence Minister for army deployment. On October 31, the new cabinet had already been sworn in with the Prime Minister Rajiv Gandhi himself in charge of Defence, and Narsimha Rao, as the Home Minister. We want to know whether, with the growing deterioration in the law and order situation in Delhi, when by November 1 the local police machinery had proved its failure to control the situation - either through negligence or connivance with the rioters - the Lt. Governor requested the Home Ministry for army aid. Even if he did not, was it not his responsibility to deploy the army as soon as he realised that the police had failed (which was quite evident by November 1)? By removing a few civilian administrators (like Mr. Gavai) or police officers (like the Delhi Police Commissioner, Mr. Subhash Tandon) how can the government at the centre absolve itself of the blame of neglecting its obligations to the citizens and its responsibility to maintain law and order - and this, inspite of several warnings to the effect that a Hindu -Sikh riot was bound to take place?

The experience of our team members gives rise to the suspicion that both the administration and the Cabinet might have abdicated their responsibility and that extra –administrative forces were steering the deployment and operation of troops. On November 3, a group of concerned citizens visited Trilokpuri where they were requested by panic-stricken survivors of a widespread holocaust (described later) to intervene on their behalf and seek army protection. They tried to get in touch with various people both in the administration and the Cabinet to convey to them the request of the Trilokpuri victims. No one was available, either in their offices or homes.

Hoping that Opposition MPs might have a better access to the authorities the group approached Mr. Biju Patnaik, Mr. George Fernandes, Mr. Chandra Shekhar and Mr. Madhu Danvate among others - all of whom told them that their repeated attempts to contact Ministers and officials have yielded no results. In a final desperate move accompanied by Mr. Danvate, they went to I, Safdarjung Road, the Prime Minister's official residence, and managed to meet a Congress (I) M.P. - Mr. Arun Nehru, When the group conveyed to him the request of the Trilokpuri residents, he said that he would send a "wireless message" for army deployment. Only after this, were troops sent to Trilokpuri - but that also again merely for patrolling.

### ROLE OF CONGRESS (I)

Our surmise that during the period under survey the legitimate authorities were superseded and decision-making powers were assumed by a few individual Congress (I) leaders, is confirmed not only by the above mentioned incident, but also the experience of residents in the riot hit areas. We were told both by Hindus and Sikhs - many among the latter Congress (I) supporters – that certain Congress (I) leaders played a decisive role in organising the riots. Residents of Mangolpuri told us they saw Mr. Ishwar Singh, a Congress (I) Corporator among many others (their names are given in Annexure - 4) actively participating in the orgy of violence. All these people, were described by the local residents as lieutenants of the Congress (I) M P from the area - Sajjan Kumar. Similarly in Anand Parbat, Congress (I) councilors like Bhairava, Mahendra and Mangat Ram, considered to be loyal followers of the Congress (I) M P Mr. Dharamdas Shastri, were named as the main culprits. In Prakash Nagar, Congress (I) people were found carrying voter's lists to identify Sikh households. In the Gandhinagar area again, a local Congress (I) councillor Sukhanlal was identified by the victims as the main leader of the assailants. Escapees from the area who we met at the Shakarpur relief camp on November 6 blamed the Congress (I) MP from the area Mr, H.K.L Bhagat for having masterminded the riots. On November 1, Satbir Singh (Jat) a Youth Congress (I) leader brought buses filled with people from Ber Sarai to the Sri Guru Harikishan Public School at Munirka and burnt the school building and buses and continued looting and assaults on Sikhs the whole night. Another group of miscreants led by Jagdiah Tokas, a Congress (I) corporator joined the above group in looting and assaults. In the Safdarjung – Kldwai Nagar area of South Delhi, eye witness accounts by those who stood in front of All India Medical Institute from where Mrs. Gandhi's body was taken out in procession on the evening of October 31, confirmed the presence of the Congress (I) Councillor of the area, Arjan Dass at the time when attacks on Sikh pedestrians, bus drivers and conductors began (Annexure 2 ).

The allegations against these individuals repeatedly voiced by the residents of the respective localities which we visited, cannot be dismissed as politically motivated propaganda, since many among the Sikhs who accused them of complicity in the riots, had been traditionally Congress (I) voters. Sufferers from Trilokpuri and Mangolpuri

resettlement colonies whom we met looked dazed and uncomprehending when they said to us: "We were allotted these houses here by Indiraji. We have always voted for her party. Why were we attacked?"

Additional indications of the involvement of the above mentioned Congress (I) leaders in the riots was provided later when we heard that the Congress (I) MPs from the respective areas were putting pressure on the local police station to release the culprits who had been rounded up on 3/4 November.

On November 5, Mr. Dharmadas Shastri went to the Karol Bagh police station to protest against police "misbehaviour" with those who were found in possession of looted property. (INDIAN EXPRESS, November 6, 1984). Mr. Shastri however dismissed the report as false. At about the same time H.K.L. Bhagat, another Congress (I) MP was reported to be trying to secure the release of several criminals who had been arrested by the Gandhinagar police station. Describing the dilemma before the police, a senior police official said to our team members: "Sher pinjre se nikal diya: phir kahte hain pakad ke le ao !" (First the tigers are let loose from their cages and then we are ordered to round them up). When asked who was releasing them, he gave a knowing smile.

The same official told us that when some Congress (I) leaders came to a police station, seeking the release of their followers, they were asked to accompany a police party in a raid on some houses for recovery of looted property. But these leaders refused when they were told that they would have to be witnesses.

We also heard of cases where even Sikhs close to the Congress (I) were not spared. In Sajjan Kumar's house at Paschimpuri November 6, we were introduced to an elderly Sikh gentleman who claimed to be an old Congressman whose shop was burnt by miscreants. He said that he knew who the culprits were. When our team members asked him why he did not file a complaint with the police, he said he would do it at the right time. Mr. Sajjan Kumar's secretary drew us aside and dropped a hint that the BSS workers had been behind the arson. He however could not name any particular RSS leader or activist. Mr. Charanjit Singh, a Sikh Congress (I) MP from Delhi, suffered a loss of Rs. 10 crores when his Pure Drinks factories were burnt down. Narrating his experience Mr. Singh said: "I telephoned the Lt. Governor and the Police several times, telling them that mobs were burning our factories. I was told that the force would be arriving but that never happened". He added that he had been a "failure" to his constituents, since all assistance "was denied to him". (STATESMAN November 10, 1984).

The administration appears to have been persuaded by the decision makers at the top to treat the alleged criminals with kid gloves. Inquiries at some of the police stations in the affected areas revealed that the police had announced that those in possession of looted property should submit them within a stipulated time period and would be let off if they did so. A senior Police Officer simply described this to us as a "Voluntary disclosure Scheme". We feel that this is a strange way of dispensing justice. Restoration of the booty by the looters is no substitute for their punishment. In the absence of any convincing explanation on the part of the authorities for this extraordinarily queer way of dealing with criminals; we are left with the suspicion that there is a calculated design by some influential forces to protect them.

The Congress (I) High Command's reluctance to probe into the allegations against their own concillors and other leaders further lends credence to the suspicious voiced above. Even Prime Minister Rajiv Gandhi seems to dismiss the serious charges being levelled against his party men. On November 6, when Charan Singh who accompanied a

team of Opposition leaders in a deputation to Mr. Gandhi, drew his attention to the reports of Congress (I) men pressurising the police to get their followers released. which appeared in the INDIAN EXPRESS some days ago, Mr. Gandhi said that he had heard about it and then reported that the INDIAN EXPRESS is the opposition's paper just as the National Herald is Congress's. The next day the AICC-I headquarters came out with a statement saying that the allegations were utterly malicious. On November 8 however, Mr. Gandhi asked his senior party colleagues to probe into every allegation of Congress-I workers' involvement in the violent incidents. But till today, no one knows what will be the nature of the "probe"

In fact Mr. G.K. Moopanar, who is in charge of the organisation In the AICC(I) told newsmen on November 9 that he had not received any intimation for any such inquiry so far.

It is difficult to believe that Prime Minister Rajiv Gandhi, was unaware of the activities of important and well known members of his party for five days (from October 31 to November 5). Mr. Gandhi had been the General Secretary of AICC(I) since 1982 and in charge of reorganising his party. He had been presiding over training camps for Congress (I) workers at various places. We wonder how after all these training programmes the cadres of Mrs. Gandhi's party could go on such a murderous rampage.

## ROLE OF MEDIA AND OPPOSITION

Although we do not intend at this stage to go into the role of the media during the riots, a few words in this connection may not be out of place. The first day's evening bulletins (October 31) brought out by different newspaper establishments stated that there were "two Sikhs and one clean shaven Sikh" among the assailants. The reporters did not clarify whether the news was from official or unofficial sources. Nor was it clear how a "clean shaven Sikh" could be identified as a Sikh. In later reports the next day and the following days, we were told that only two assailants - both Sikhs were involved. What happened to the earlier reported third one? No newspaper has yet followed up the discrepancy.

But what is of immediate relevance is the question: should the media have described the assailants immediately as Sikhs? Given the background of the Punjab situation, such mentioning of a community by name was bound to excite communal passions and inflame communal hatred. It may be worthwhile in this context to refer to a recommendation made at a seminar on communal writings held in New Delhi in November 1970 under the joint auspices of the Press Institute of India and the Press Information Bureau of the Government of India. It was suggested that certain facts which may aggravate the situation if published straight away should be printed after a stipulated period.

We were also intrigued to find Doordarshan allowing the broadcast of highly provocative slogans like 'khoon ka badla khoon' (blood for blood) by some members from the mourning crowd at Teen Murti.

There was a tendency among many reporters to concentrate on the names of important politicians instead of on earnest efforts made by individuals or groups. Thus, when a peace march was organised by a group of concerned citizens in South Delhi on November 2, which was joined by the Janata leader Mr. Chandrasekhar and some of his followers, some newspapers the next day described it as a Janata Party march. This created temporary



misunderstandings and hampered the efforts of the non-party group to bring together all citizens, many of whom did not want to identify themselves with any particular political party. The need to keep party politics out of ventures like peace marches to put down riots, is yet to be recognised by our media people who seem to remain obsessed with names of political personalities.

This brings us to the role of Opposition political leaders. We regret to say that by and large, they failed to rise to the occasion during the crucial days of October 31 to November 5. Although news of arson and carnage was pouring into the offices of the political parties every hour, they hardly made any effort to rush to the spot with their cadres, stop the violence and organise peace committees in the localities, and remained content with issuing a Joint statement with the Prime Minister on November 1 pleading for peace and amity.

On November 3, when following the carnage at Trilokpuri, the group of concerned citizens went to the Opposition party leaders (referred to earlier), some among the former appealed to the Janata Party leader Chandrasekhar to lead them in a deputation to Teen Murti and appeal to the Prime Minister. Mr. Chandrasekhar rose, folded his hands and pleaded: "I cannot do it. I don't want to be accused of ruining the late Prime Minister's funeral".

## ROLE OF THE PUBLIC

While the disturbances that shocks Delhi from October 31 to November 5 could be described as an 'organised disorder' with signs of meticulous planning by certain groups in some areas, deliberate laxity on the part of the administration in other areas and wilful relinquishment of responsibility of senior Ministers as well as opposition parties on a wider scale, we cannot at the same time rule out the existence of hostility and suspicion among large sections of the Hindu population against the Sikhs because of the happenings in Punjab during the last two years.

By not solving the outstanding economic and political issues in Punjab, by allowing Sikh extremism and Hindu communalism to feed on each other leading to the army raid in the Golden Temple and antagonising thereby large sections of the Sikh community, the ruling party at the centre had sown the seeds of communal division between Hindus and Sikhs.

As a result, when from October 31, organised assaults on the Sikh began (as distinct from a spontaneous mass upsurge against Sikh which some observers are trying to make it out to be), the Hindu public by and large appeared to be in a mood that sanctioned such assaults. Comments by responsible Hindu citizens in Delhi indicate to some extent the popular psyche. An officer belonging to the IPS was heard to comment that the government was not preventing the violence so that people could let off steam and the Sikhs in Punjab would be 'taught a lesson'. An Indian who works for the UNO in Geneva who flew to Delhi for Mrs. Gandhi's funeral, told a member of our team that the orgy of violence had been allowed to 'teach the Sikhs a lesson'. When asked about the suffering that this was causing the common people, he said: 'Who is suffering?' The long record of uninterrupted depredations by the Sikh extremists in Punjab had possibly created a desire for retribution that blinded even those who are regarded as responsible people among the Hindus.

How did the Sikh victims view this attitude of their Hindu neighbours? Victims in Gurgaon said: "People stood on their rooftops watching our houses burning, just, as they do when observing the Republic Day Parade".

It was this mood again that allowed the Hindu public to believe all sorts of rumours ranging from the story of poisoning drinking water to that of armed Sikhs prowling the streets to attack Hindu. The next step from such belief in rumours is acquiescence in the rampage that had started from the evening of October 31 and even active participation by the younger and more aggressive Hindu in some cases.

The anti-Sikh communal partisan feelings had penetrated the lower ranks of the administration also, as evident from the behaviour of the police force, who were given the reins for three or four days by their superior officers.

Given this mood of vicarious exultation at the plight of the Sikhs among the public, it was easy for an organised group enjoying the patronage of the rang party to carry out the plan of systematic destruction and killings.

The anti-Sikh sentiments in some areas were also stoked by some is crated expressions of happiness at Mrs. Gandhi's death among some Sikhs, and of bravado, and attempts at resistance against depredations by the Hindu mobs. It is possible that attempts at resistance could have been taken as a challenge by the marauding hordes who were sure of getting police protection at every step. We came across reports, corroborated by some responsible residents of a few neighborhoods, of Sikhs dancing the 'bhangra' on the night of October 31. Such incidents reinforced the simmering hostility against the Sikhs.

But these stray incidents were marginal and do not explain the wide scale explosion of indiscriminate violence against all Sikhs throughout India on the same date and the same time, which could be the result of only a well designed strategy.

The only signs of courage and initiative in an otherwise ominous landscape were demonstrated by those Hindu and Muslim neighbours who helped Sikh families in the affected areas. We came across a large number of Sikh inmates in the relief Camps who told us repeatedly that but for these neighbours they would have been butchered.

In a makeshift camp opposite the Kalyanpuri police station on November 3, we met a Hindu family, whose house was burnt down by the miscreants because he had given shelter to his Sikh neighbours.

A postal employee living in Bhogal told us how his house was damaged and partly burnt because he helped two Sikhs. With army assistance he moved the Sikhs to his village in Faridabad.

Members of a voluntary organisation traced two Sikh families who were given shelter by Hindus in Khichripur November 3. Defying a belligerent mob that stood at the entrance of the lanes, a local Hindu youth led the members to the house and rescued the families who were being sheltered by a poor Hindu family. The next day, the volunteers following a request by a mother in a relief camp went to trace her daughter in Trilokpurl who was being looked after by a Hindu faintly. The latter restored the daughter to the volunteers, kept with them two other Sikh children whose parents were still traced. "It is our responsibility to look affair them", they said.

Near Azadpur, a Hindu factory owner hid a Sikh inside the factory premises. When the Hindus surrounded the factory demanding that the Sikh be handed over to them, the factory owner persuaded the Sikh to shave his hair and beard, gave him a cycle which helped him to pass through the crowd and escape.

On the G T Karnal Road, Hindus saved a Gurudwara and a Sikh doctor's clinic from being burnt down. In the same area, from November 1 to 5, Delhi University teachers and students kept vigil around the entry points to lanes where Sikhs lived.

Hindus from Munirka village and residing in Munirka colony provided protection in their own homes to ten Sikh families.

Thirty Sikh families residing in Mayur Vihar were guarded 11 through the period by young Hindu neighbours who resisted attempts by outsiders to raid the compound.

According to a rough estimate based on information gathered from different sources, at least 600 Sikhs were saved by Hindus of Trilokpuri. According to an army officer posted in Shahdara of the Sikh families he rescued from different parts of the area, at least 70% were sheltered by Hindus.

It is these acts of courage, however few they may be, which reassure us that sanity still prevails in our country.

## CASE STUDIES

### 1. SULTANPURI

The resettlement colony of Sultanpuri has a mixed population of Hindus and Sikhs employed in various occupations. Many of the Hindus belong to the lower castes and are employed in various bodies as safai karamcharis. Among the Sikhs are Sikligars (who specialise in preparing metal gratings for building construction), charpoy weavers from Alwar, scooter rickshaw owners, TV mechanics, electricians, and shop keepers. Some also work as scooter rickshaw drivers, rickshaw pullers, vendors and labourers.

It is significant that the members of the two communities lived in perfect harmony prior to the riots. This was testified to by the Sikhs in the various relief camps. On no occasion in the past had there been any evidence of tensions between them.

The Sikh residents of the colony were taken by surprise when in the late hours of Thursday (November 1) they were suddenly attacked by violent mobs. According to eye witnesses the mob consisted of local people and of outsiders believed to be Jats of neighbouring villages (Mundka is one such village). The attacks were directed at the men folk and a large number of Sikh males were killed. Some of the survivors were able to identify these who played a leading role in the attack. The leaders included local politicians, the police and some local people.

In trying to identify and understand the assailants and arsonists it seems indubitable that sweeper urchins, beggars, mechanics, drivers, vegetable sellers, etc. from the local areas were involved. But it was not entirely on their own initiative. Most of the killers in Sultanpuri were led by Pradhans, who are at the base of the political hierarchy. It was they who incited the mobs against the Sikhs and helped to identify Sikh houses and establishments. The Pradhans were in turn linked to the local Congress M. P. Some of the Pradhans who were repeatedly held responsible by the survivors for acts of incitement and for aiding and abetting the rioters were Mr.

Chauhan, Mr. Bagri and Mr. Gupta. The M. P. who was most common held responsible for the attacks was Mr. Sajjan Kumar of the Congress (I).

Police connivance with the rioters in Sultanpuri is indicated by the fact that the SHO by the name of Mr. Bhatti reportedly not only killed a couple of Sikhs, but also helped the mob to disarm the Sikhs. The police involvement may be summed up in the words of one survivor "Khud mara hai, miley huey the". (they themselves killed: they were in complicity).

Almost every refugee we spoke to gave an identical version. Also involved in the carnage in Sultanpuri were kerosene suppliers Brahmanand Gupta, Veranand, Master and Ved Prakash who provided the fuel for the Sikh funeral as also a Jat doctor Changa.

Others actively participating were the owner of the Hanuman ration shop, Gajanand, godown owner, Gulab Singh and an auto rickshaw driver Omi. All these criminals supervised the carnage.

The attacks which began on the Sikh residents on Thursday night went on relentlessly till Friday afternoon (November 1-2). Among the directions heard being shouted to the mob were 'kill then, rape women'. The mobs were equipped with lathis, iron rods and other weapons and carried kerosene with them.

Many Hindu neighbours had sheltered Sikh Families and locked them up in different houses. Unfortunately this did not save them from the looting, arson, lynching and killing that followed. Houses were being identified, set on fire, and Sikh males killed, women were seen carrying away loot, from the houses of better off Sikhs: gold jewellery, T.V. sets and other things were carried off. A lot of property including means of livelihood such as handcarts and rickshaws were systematically destroyed.

The killings were brutal. One Sikh was pushed into a car, which was then set ablaze. Others were hit, thrown on the ground, doused with kerosene and set on fire.

A pregnant woman was stabbed by the rioters and some women are reported to have been raped. A graphic account is available with certain members of our team who visited the relief camp at Shakurpur (Rani Bagh).

'In a large hall of the Shakurpur Camp housing the Sultanpuri victims of the carnage sit a row of women and children huddled together with shock and grief inscribed on every part of their beings. There is not a single boy of over ten years in the group and boys are rare. Each group consists of a woman of the older generation, three or four young widows, a few adolescent girls and the rest are children, ranging from ten years to absolutely destitute with One such household consists of 18 people rendered absolutely destitute with not a single earning member left; all four adult males have been murdered. Two of the younger women have new born babies, one six day old (it was born a day before the killings) and another 10 days old. They stared blankly. But the older woman who had lost her husband and three sons gave vent to her grief bitterly "ab to sabse accha yeh hoga ki aap ham sab ko jahar dila dain; ab ham ji nahin sakte; kaise jiyenge, kiske liye jiyenge?"

She was voicing the sentiment of many of the women present, all the whom had watched their men folk being attacked and cut down, then doused with kerosene and set ablaze. Not one of these were willing to consider returning

to their original homes after the brutal massacre they had lived through. How can they even think of it unless the guilty are identified and punished?

The blocks most badly affected were A4 (65 killed, 15 missing), Pl. 2 and 3 (31 killed and 5 missing) and C3 and C4. From an enumeration done in xxxx about 2000-survivors mainly from Sultanpuri) the figures are xxx 25 injured and 52 missing from this group alone. This means that xxx every second family suffered at least one family member xxx to an expert it is curious that the member of injured is so few compared to the number of dead. In cases of looting and killing due to mob frenzy, the number injured is usually much higher. This implies that the attackers were not disorderly.

Matters did not end with the events of November 1 and 2. During the next tow days, Saturday and Sunday (November 3 and 4) the SHO is reported to have got a barber brought to a hall where the Sikhs were herded together (prior to evacuation) and made to pay HB. 21 each to get themselves shaved. They were threatened that they would get shot if they did not comply, It was reported that the barber made lts. 500.

Aground 5000 Sikhs were herded together till the army evacuated them three days later. Sonic 800 are still in Sultanpuri under Army protection. Attempts at adequate arrangements for their food were still being made by the army on Thursday, November 8, a whole week after the terror started.

The survivors at Camp II with a few exceptions do not want to go back. Reportedly only 100 from the 2000 in this camp went back. But 20 had returned b" November 9th. Even within the camp they are feeling insecure.

The same sweepers who only a few (lays ago looted their houses and killed their husbands and sons have managed to sneak Into the camps for the ostensible purpose of doing the sanitation work. These people are regularly keeping watch on them and spying on their movements.

## *2. MANGOL PURI*

The centre of the holocaust was the jhuggi and jhopri colony (JJ Colony) at Mangolpuri in West Delhi where a large number of Sikhs are concentrated ill certain blocks.

The disturbances started on November 1 evening after a police van had come to the G Block and announced that water had been poisoned. The other two rumours - that Sikhs were celebrating Mrs. Gandhi' s death by distributing sweets and that Hindu corpses had arrived in trains from Punjab were also soon making the rounds.

Apprehending trouble, several Sikhs from different blocks approached the police for help. One woman survivor wham we met later at the Shakurpur relief camp on November 5 told us that when she went to the police station for protection, the police said "We cannot do anything- you are now on your own". Later, during the riots, the miscreants were seen using diesel from police vans to set fire to the houses of the Sikhs, One group of survivors from Block X told us that the police took them out from their houses on the plea of rescuing them and then turned them over to the mob waiting outside.

According to Information gathered from the survivors, the assailants were from the nearby Jat villages and were accompanied by local Schedule Caste people - the same composition of the mob which we found in Trilokpurl. Hovering around the arsonists were local Congress(I) leaders and followers in jeeps and other vehicles. The survivors identified Mala Ram, a local Congress(I) leader, who came with about 300 people and personally supervised the arson, looting and murders, Ishwar Singh, Salim Querishi and Shaukeen (Congress (I) workers belonging to the Waqf Club), Rajinder Singh all well known Congress(Q activists were found going around instructing the mob, providing kerosene and pointing oat Sikh homes.

One single name which cropped up wherever we went interviewing the residents of Mangolpuri was that of Sajjan Kumar, the Congress (I) MP of the area. Almost in one voice, they alleged that Sajjan Kumar had masterminded the violence, items people accused him of having paid Rs. 100 and a bottle of liquor to each person taking part in the may-hem. The extent of hatred towards him among the Sikh survivors of Mangolpuri was evident when Sajjan Kumar visited the Mangolpari police station on November 4 where the survivors were waiting to be transported to a refugee camp. Members of our team were witness to a scene where the Sikhs abused him openly and held him responsible for the carnage. The Congress (I) MP tried to pacify them by pleading his Innocence. "Why should my party kill you who are Congress (I) supporters?" he said, and laid the blame on the Lt. Governor who had been replaced the previous day by a new successor. A little later when the team visited the Punjabi Bagh camp where some among the Mangolpuri refugees had arrived, the team was told that the hungry refugees 'bad refused to touch the foodstuff brought earlier by Sajjan Kumar.

The violence Indulged in by the mob was marked by the most brutal atrocities. Women survivors told us bow their children were ripped apart, their husbands and sons made to cut off their hair, beaten op with iron rods and then burnt alive. Almost all the Sikh Houses in the 26 locks of Mangolpuri were attacked and destroyed and the main targets of murderous assault were the young male members of the households. Official attempts to underestimate the extent of killings by giving out the figure of only 9 fatalities are contradicted by the list provided by the Delhi State Committee of the CPI (M) which from a house -to-house survey in a few blocks alone found at least 51 killed.

When we visited Mangolpori on November 5 we were shown spots where the bodies were burnt and we were taken to a 'nallah' between Mangolpuri and Sultanpuri where we were told several hundred bodies were dumped.

It was only on the evening of November 3 that the army arrived at Mangolpuri. Narrating the event, one Sikh whom we met at the Shakurpur relief camp where he was staying with other refugees, told us that they were taken out by the mob, made to stand la a park and when they were about to be set on fire, the troops arrived and saved them.

Before the arrival of troops, the few sources of protection available to the sufferers of Mangolpari were the Hindu and Muslim neighbours who at tremendous term to their lives gave shelter to the Sikhs. They hid them in their homes and shops and resisted attempts by the mob to trace them out. A Muslim young roan in Nangloi told 08 how lds family saved a number of Sikh men, women and children and secretly transported them to the relief camps.

The experience of a Hindu, C. Lal of Mangolpuri is revealing. He passed through the days of the 1947 partition, when he crossed over from Sialkot to India. He relived the same days during the first week of November when his



brother's shop was looted and burnt, because he gave shelter to several-Sikh families and formed a peace committee in his locality to protect the Sikhs.

### 3. *TRILOK PURI*

The happenings in Trilokpuri, a trans-Jamuna resettlement colony in the east of Delhi, between October 31 and November 2 were a gruesome picture of the intensity of the butchery. Within just 48 hours, at least 400 Sikhs, mainly young men were burnt alive, with the connivance of the local police machinery and active participation of an organised group of miscreants led by a Congress (I) Councillor.

As in other areas, here also the carnage was preceded by the usual floating of the familiar rumour that Sikhs had distributed sweets to 'celebrate' Mrs. Gandhi's assassination on October 31. The other version which we heard when we visited Trilokpuri three days later was that a Hindu mob had come to attack the Gurudwara on October 31, and the Sikhs resisted by waving their swords. When the mob attacked the 'Gurudwara' stones were buried from the top of the temple, and the rampage began. In the course of our investigation however we could not find any single person who could claim that he had personally seen the Sikhs distributing sweets. Some people however corroborated the report about the Sikhs waving swords from the Gurudwara when the Hindu mob came to attack it.

From accounts related to us by the survivors, by the Hindu neighbours and by some reports who visited the support soon after the incident on November 2, we could reconstruct the grisly sequence of events.

The beginning of the tragedy could be traced to the night of October 31 when reportedly the Congress (I) Councillor Ashok Kumar, a doctor who runs a clinic in Kalyanpun, one kilometre from Trilokpuri, held a meeting at the latter place. The violence that broke out immediately following the meeting reached its climax the next morning, when Gujar farmers from the neighbouring village of Chilla landed at Trilokpuri, and accompanied by a group of local inhabitants (described by the residents as Scheduled Caste people) raided Blocks 28, 32, 33 and 34 and systemically attacked Sikh houses, dragged out the young men, killed and burnt them and set the houses on fire. In some cases, the assailants hit the victims with iron rods on their heads before pouring kerosene on them.

Between Blocks 32 and 31 there are large open spaces where over 50 Sikh families were living in jhuggies and jhopries. These hutments were burnt down, and the menfolk were killed.

A study of the list of those who were alleged to have taken part in the loot and killings reveals that a large number of them were notorious anti-social elements well known in the area. One of them, Somnath of House 80, Block 32 was responsible for the murder of several Sikhs including Hoshiyar Singh son of Milap Singh and three other young men whom he locked up in a house and later killed them with the help of others.

(A detailed list of the alleged criminals and the nature of their crimes of Trilokpuri during the period under survey is given in Annexure I).

Some of the participants were shop keepers who supplied kerosene to the arsonists. Some others among the neighbours of the victims were petty traders like milkmen, mechanics or dealers in cement. The majority of the victims were poor Sikh—mechanics, artisans and daily wage labourers.

The role of the police was on the same lines as found elsewhere in Delhi during the period. The sanctioned strength of the police in the Kalyanpuri police station, under which Trilokpuri falls is 113, including one Inspector (who is the Station House Officer) and around 90 constables among others. The SHO reached Trilokpuri at about 2.30 p.m. on November 1 when the plunder and killings were taking place. The first thing he did was to remove the head constable and another constable from the spot, allowing the criminals to escape whatever little detection there was possible. It was a continuous spree of arson, rape and murders after that. Later enquiries conducted by a senior police official revealed that at least four women, their ages ranging from 14 to 50 were gang raped. Later Seven cases of rape from Trilokpuri were officially reported by the J. P. Narayan Hospital. Delhi.

During the height of the killings however, there was little effort on the part of the police either to stop the orgy or to check the figures of casualties. On November 2, at around 5.30 p.m. Nikhil Kumar, ACP of the Police received information that "Block 32 mei mar kat ho rahi hai". Murders are taking place in Block 32). The police control room curiously enough recorded that only three people had been injured. And this was at a time when already entire rows of houses in several blocks of Trilokpuri were burning and their inmates killed.

A Reporter of a Delhi based newspaper who reached Trilokpuri at about 2 p.m. on November 2 was greeted, by a belligerent mob in Block 28 which threatened him and stoned his car. When he went back to the Kalyanpuri Police station, the SHO Surjit Singh told him that 'total peace' was reigning in the area. He however spotted a truck outside the Police Station with our bodies inside, one of them still alive. When the reporter, out of despair, turned back to contact the police headquarters, on his way he came across about 70 Sikh women and children walking along the road under Nizamuddin bridge. They told him that all their menfolk had been killed in Trilokpuri, and that they were fleeing for their lives. The reporter's attempts to seek help from several army personnel on the road elicited little response, since most of the latter had either lost touch with their respective headquarters, or had no specific orders.

Finally, after reaching the police headquarters at ITO, he met the ACP, Nikhil Kumar, who told that he could not do anything and could only pass his message to the control room. He described his role as that of a 'guest artist'.

The reporter revisited Trilokpuri in the evening of the same day and found the remains of the carnage-burnt houses, dead bodies and the SHO with two constables walking around. The SHO told him that he did not have any knowledge of what had happened. When later in the evening the reporter visited the police headquarters, he was told by another ACP that according to the latter's information there was 'peace' in Trilokpuri. The reporter pointed out that at least 300 people had been burnt and that the police were only counting dead bodies that were still recognizable ignoring those which had been reduced to cinders.

It was only around 7 p.m. on November 2 that senior police officials reached Trilokpuri. Personnel of the Central Reserve police force were deployed then, and the survivors were rescued from the affected blocks.

When members of our team reached Trilokpuri at about 7 a.m. on November 3 we found the survivors-old men, women and children, some of them with severe burns, huddling together in the open on the main road. Weeping women narrated to us how their menfolk were slaughtered and alleged that in some cases the police directed the attacks. Many among the survivors told us that Dr. Ashok Kumar the local Congress (I) Councillor had instigated the

mob. The entire Sikh community in the area, they said, was left at the mercy of the mob for two full days till the arrival of the CRP.

As soon as we entered Block 32, we were greeted by a strong stench of burnt bodies which were still rotting inside some of the houses. The entire lane was littered with burnt pieces of furniture, papers, scooters and piles of ash in the shape of human bodies the unmistakable signs of burnt human beings. Dogs were on the prowl. Rats were nibbling at the still recognizable remains of a few bodies.

As we watched the scene, we remembered what we had just read in the morning newspapers that day. Describing the situation in Delhi on the previous day-November 2, when the carnage was continuing at Trilokpuri-the Lt. Governor Mr. Gavai had said that the situation in the capital was 'under control. From what we witnessed at Trilokpuri, it was' evident that the situation there on November 2 was indeed 'under control', but the 'control' was wielded by a powerful group of influential persons who could mobilise the local police to help them in the may-hem and immobilise the entire administration for more than 48 hours to enable them to carry out meticulously their plans of murder and destruction.

The list relief to be given to the Trilokpuri victims was not by the authorities but a voluntary group of over two dozen who brought them food, medical care and concern. Even though a woman had given birth to a child among the victims, the authorities had not even arranged for medical care for her or the other persons seriously injured more than a day earlier-Members of this voluntary team rescued Sikh families who were hiding in Hindu homes as late as 7.30 in the evening. These rescues were made in the presence of the District Commissioner who had to be cajoled into helping. The authorities assured the victims that they will be given all help and things like blankets though they had none on hand. In fact the authorities have been using the Farash Bazaar Camp (where Trilokpuri victims were sent) to show their efficiency whereas a great deal of the work there has been done by voluntary agencies.

## RELIEF AND REHABILITATION

Taking into consideration the extent of violence and arson on the night of the 31st October it would be reasonable to expect that the Delhi Administration would have anticipated the need to set up relief camps. Neither the Government nor the Administration seemed to be concerned with the problem and their attitude of deliberate inaction seems to be a continuation of their stance during the carnage.

The authorities have refused to make realistic estimates of the number of people killed, the injured, the number of widows and orphans, or the extent of damage to property. Further, the Administration to date refuses to recognise most of the people who have taken refuge in the Gurudwaras as displaced persons entitled to relief and compensation. The Administration recognises only ten camps whereas a voluntary organisation, Nagrik-Ekta Manch has identified at least 18 others within Delhi and several on the outskirts. The list of these camps is given in Annexure V. According to the Government there are about 20,000 displaced persons. In fact there are at least 50,000.

The Administration has tried to manipulate figures and thus gloss over the enormity of the problem. For instance the former Police Commissioner, Shri Subhash Tandon, at a Press Conference on November 2<sup>nd</sup> said that the number of dead was between 15 and 20. To this the then Lt. Governor Gavai added "things are under control" (Indian) Express November 3, 1984). The official death toll is now 613 when eye witness accounts speak of hundreds of bodies lying at Trilokpuri alone.

There was no attempt to do any relief work till November 2nd. On that day for the first time the Administration with the help of the Army evacuated people to the police thana or to school buildings. After that there was no sign of the Administration despite various pious announcements in the media, by the new Lt. Governor Mr. Walt about giving blankets and mattresses to the refugees for comfort.

Thousands went hungry and had to urinate and defecate in the corridors of the school building. The injured lay in the rooms without any medical treatment. There was no one to share the horror or the anguish of widows, to say a word to them. The first initiative for relief came from local communities, mostly Hindus and from Gurudwaras who brought the first meal and organised langars. For instance at Farash Bazaar the people from Jhilmil colony brought their own utensils and organised a langar in the face of threats from the mobs.

The local initiative was followed by the efforts of the voluntary groups and individual. Hundreds of students, housewives, teachers, doctors and many prominent citizen organised relief camps and collected supplies. The Administration was nowhere to be seen.

The Delhi Administration appointed a Relief Commissioner to deal with the crisis on November 4, 1984. On November 6, the Delhi Administration announced a scheme for rehabilitation and Joint Secretaries from various Ministries were put in charge of various camps in which a compensation of Rs. 10,000 was to be given to the next of kin for each dead. Five thousand was to be given to each seriously injured and a thousand for those who sustained minor injuries. The same amounts were to be given to those who had suffered damage to their property. On November 7 the Prime Minister announced that he was releasing a sum of Rs. 40 lakhs for relief work for the Union Territory of Delhi from the Prime Minister's Relief Fund.

The question that arises is where did the money go, for it has not reached the people at the camps. There is no scheme made for the implementation of the relief, scheme and no agency has been created for this purpose. The joint control room at Raj Nivas for relief does not seem to have even got information about the number of camps to the city.

When the government did move in, they were met with hostility from the people and at least on one occasion the people refused to accept the food brought by a M. P. because the people felt that he was involved in the carnage. In fact the arrival of the VIPs was often a hindrance to the relief work being carried out.

The plight of the displaced persons was pathetic. The army had clear instructions not to allow anyone to photograph the camps. A member of our team was roughed up by the army and his film snatched away at the Shakurpur camp when he took a photograph of the people in the camp.

No attempt has been made to take a census of the people at the camps and estimate the number of men, women and children. None of these people have been given identity cards on which basis they could claim the compensation and now they will get entangled in red tapes and possible litigation.

According to Press reports more than two crores of looted property has been recovered but no attempt has been made to arrest the looters who if arrested are released on the intervention of the local leaders.

Further there is no system worked out by which the recovered property will be returned to its rightful owners. Already VCRs are finding their way to the market at a ridiculous price.

Within a week the Administration started to forcibly evacuate the displaced persons and sending them back to what used to be their homes, which are now cinders and ashes. Their houses destroyed, their property looted, and the murderers and looters wandering free the people are terrified of returning to the areas which are full of memories of murder and arson. Officially there have been 2,960 arrests but hundreds of these people have been released either on intervention of local politicians or are on bail.

The Government did not mobilise all the resources at the command (e.g. the army) to provide medical care and sanitation, nor did it print enough forms for compensation claims. A voluntary agency had to have thousands of forms printed for the camps in their care. The government's callousness towards the problem of relief and rehabilitation is in consonance with its earlier policy of calculated inaction during the carnage. How could the government not have anticipated the need for an effective mach in for relief and rehabilitation? Further, now was it that just at the time the government was announcing the setting up of a Relief Commissioner the forcible evacuations of the people started without any assurance to them of their future security ?

## CONCLUSION

The social and political consequences of the Government's stance during the carnage, its deliberate inaction and its callousness towards relief and rehabilitation are far reaching. It is indeed a matter of grave concern that the government has made no serious inquiries into the entire tragic episode which seems to be so well planned and designed.

It is curious that for the seven hours that the government had between the time of Mrs. Gandhi's assassination and official announcement of her death, no security arrangements were made for the victims.

The dubious role of the politicians belonging to the ruling party has been highlighted in various press reports. The government, under pressure, has changed a few faces by transfers and suspension of Junior Officers.

It is important that we do not fall for this ploy, for our investigation reveals that these are only scapegoats.

The riots were well organised and were of unprecedented brutality. Several very disturbing questions arise that must be answered:

1. What was the government and the administration doing for seven hours between the time of the assassination and the announcement of Mrs. Gandhi's death ?
2. Why did the government refuse to take cognisance of the reports of the looting and murders and call in the troops even after alerting them ?

3. Why have a few individual Congress (I) leaders close to the Prime Minister been allowed to arrogate to themselves powers belonging to ministers and officials ?
4. Why was there no joint control room set up and who was responsible for not giving clear and specific instructions to the army on curbing violence and imposing curfew ?
5. Who was responsible for the planned and deliberate police inaction and often active role in inciting the murder and loot ?
6. Who was responsible for the planned and directed arson?
7. Why were highly provocative slogans (Khun ka badla khun-blood for blood) allowed to be broadcast by Doordarshan during the recording of the mourning crowd at Teen Murti ?
8. Why has the Congress (I) not set up an inquiry into the role of its members in the arson and looting ?

#### DEMANDS

1. A Public high level inquiry into the role of the government and ruling party in planning, instigating and executing the riots between October 31 and November first week, and immediate publication of the report of inquiry.
2. Exemplary punishment of those found guilty by the inquiry committee, according to the law.
3. A well formulated and clear cut policy on relief and rehabilitation and effective machinery for its immediate implementation



# AFFIDAVITS – WORLD SIKH NEWS

## THEIR SWORN TESTIMONY

WSN Network

*Some of the most respected names who were in Delhi have stated the truth, the sworn truth, time and again, but the Indian Government is keen on letting go of the guilty. Congress' weakness for men like Sajjan Kumar and Jagdish Tytler apart, there are thousands others who killed and burnt Sikhs alive but were never caught or prosecuted. Twenty-five years later, a cursory reading of these affidavits by some sterling citizens will shock anyone about how clear the truth was, and how it was buried underneath many shams of the Indian regimes of various hues*

### Shanti Bhushan



I learnt of the assassination of Indira Gandhi (while at) the Supreme Court on 31-10-1984. On 1-11-84, I went to the office of the Bhartiya Janta Party at Ashoka Road, New Delhi. On reaching there, I came to know of the reports about Sikhs being massacred in different places of Delhi. Reports to this effect were being constantly received not only from different areas in Delhi but also from other places in the country as well. Feeling very concerned about these happenings, I decided to go to Narsimha Rao, the then Home Minister, who was personally known to me, to apprise him of these events and to request him to take immediate steps to have these incidents stopped. I met Shri Narsimha Rao at his residence on 1-11-1984 and apprised him of the reports which had been received. He confirmed the said reports. I got the impression that while he was ... not proving / being effective. Shiv Shanker (whom I met) was more communicative (but was)

unhappy at the events and ... was even contemplating his resignation.

Having seen kind of brutal things that were happening on the 2nd November, I got the distinct impression that the Police was not making any serious attempt at stopping the miscreants from indulging in mass killings, arson, looting etc.

(W)hen I watched the T.V. broadcast of the place where Mrs. Gandhi's body was lying in state to enable members of the public pay their respect to the departed leader, I also heard slogan on the T.V. "KHOON KA BADLA KHOON SE LENGE". When these slogans were being shouted, I noted that Prime Minister Rajiv Gandhi was present at that place and was bound to have heard these slogans.

I also remember that Rajiv Gandhi had also said in his public speech a few days after the violence that when a big tree falls, the earth does shake. It seemed to me that Rajiv Gandhi was describing the massacre of the Sikhs as the shaking of the earth.

It was my distinct impression that in as much as the Hindu groups / mobs who were indulging in acts of riot, arson and murder were not themselves armed with firearms, it should not have been difficult to stop these acts if the armed police really intended to stop them. The impression that I formed from all the events narrated above was that there were perhaps some instructions from the top not to stop these things for two or three days so that the Sikh community would learn a lesson, and that this must have been the reason for the Home Minister and Law Minister not being able to do anything and feeling helpless.

That it is my firm conviction that these incidents could not have happened without some people organizing them, arranging for the mob and distributing kerosene and other inflammable material to them in an organized manner with the connivance of the State machinery. If the State machinery really wanted to stop these incidents, they had sufficient means to stop them by opening fire at a couple of places on the first day itself when the violence erupted. Such incidents of unprecedented violence, in my view, cannot continue for three days without the connivance of the State machinery.

## Madhu Kishwar



In Oct./Nov. '84, when a politically engineered massacre of the Sikhs was carried out in Delhi and several other parts of the country, during which their properties worth thousands of crores were systematically looted and burnt, I was in Delhi...I visited some of the worst affected areas, saw the carnage at first hand, photographed the destruction and tape recorded several first hand accounts of atrocities committed on the Sikh community. I also personally witnessed some parts of the carnage, and even tried unsuccessfully to stop the mobsters from burning the local gurudwara in the Lajpat Nagar area of Delhi where I reside....I visited Trilokpuri where the worst carnage took place, Kalyanpuri, Mangolpuri, Palam Village, Relief Camps, police stations and several other middle class localities to collect a comprehensive account of what happened during those days of

national shame.

...I personally interviewed several men and women who were subjected to heinous crimes, including gang rapes. I personally recorded their statements and interviews and published them in Manushi....(T)he numerous victims I interviewed gave graphic accounts of the atrocities committed on their husbands, their young sons and brothers, which they were compelled to witness before being sexually assaulted in full public view. Most of them saw their loved ones attacked, grievously wounded, and burnt whilst still alive. In some cases, their men folk were roasted alive, with burning tyres put around their necks by the miscreants....(T)he police did not record the names of the political big wigs and known prominent accused by blatantly refusing to register FIRs in accordance with law. Even in my own neighbourhood, I saw the police look away indifferently while gangsters went on a looting and burning spree.

(T) the rampaging mobs...were laughing away and enjoying their looting and burning spree. They jeered, abused and made all kinds of obscene gestures while they went on a rampage. Watching them, one saw no evidence or sign of any sadness or grief whatsoever.

(All these years later) a large number of the culprits have been let off due to complicity and willful lapses on the part of the police and investigating agencies...Like many others, I am convinced that the police and investigating agencies were under orders from high-ups to block all avenues of justice for the victims.

## Smt. Jaya Jaitley



Either on 1st November, 1984 or 2nd November, 1984 I and Mr. Madhu Dandavate had gone to Arun Nehru's place as he was one of the Ministers in the Government. We were not allowed entry into the house and we stood near the gate. Mr. Arun Nehru came near the gate and we told him to call the army and to take other appropriate steps to curb the violence. He stated that he was taking necessary steps and after saying one or two sentences he went inside.

Very probably on 5.11.1984, I had gone to Trilokpuri and at that time I found burning tyres were placed around the necks of victims and that is how they had been burnt and their flesh were lying on the ground. The dog was trying to dig that out. We also saw cut hair lying in the houses and on the roads.

...On the night of 3.11.1984 or 4.11.1984 when I was at Farash Bazar Camp I noticed sudden of tension there. Everyone in the camp gathered together because H.K.L.Bhagat had come to the camp. The persons in the camp stated that he should not be allowed in the camp as he was the person responsible for what had happened and they closed the doors of the camp. In most (of the submitted) affidavits name of Congress Pradhan Ram Pal Sarooj of Trilokpuri was mentioned.

## Shri Ram Jethmalani

On 31st October, 1984 I was in Delhi and I had returned from USA on that morning....That day in the evening we (met) Home Minister Narasimha Rao...I told him about the incidents of fire and killings taking place in the city and requested him to take immediate steps and detailed some of them and also suggested that curfew may be imposed army may be called and all party meeting may be called etc. To all the suggestions Shri Rao was indifferent. ... By the next day I formed an impression that the police was inactive and therefore I decided to collect few lawyers and go with them to various localities where the violence was took place so as to bring confidence among the peoples...In all 40-50 lawyers in robes in the trans-Yamuna area two localities Laxminagar and Kalyan Puri. The

scene in those localities was very tragic we noticed many dead bodies were seen on the roads. The vehicles were also on fire.

...I do know what slogans were being shouted by the crowd but on television the slogans shouted by the crowd could be heard as 'KHOON KA BADLA KHOON SE LENGE'. I can say that the crowds which we have seen was hostile menacing crowd. They were no conspicuous presence of police in those localities.

28 October 2009